

This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

+ *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.

+ *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.

+ *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.

+ *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

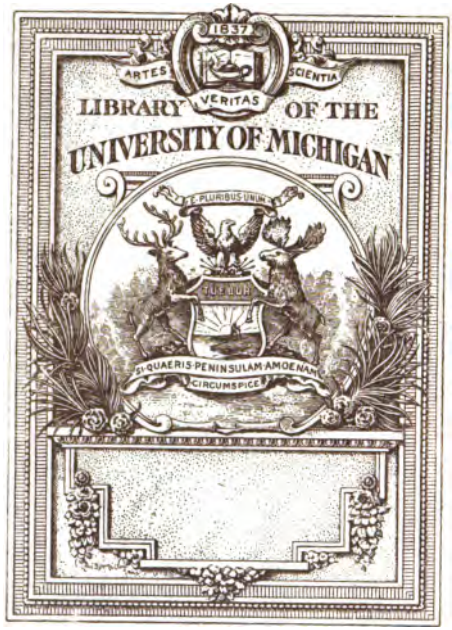
About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at `http://books.google.com/`

A 768,583

Constitution of the State of California and of the United States and other Documents





THE GIFT OF
Legislative Council Bur.

JK
8725
.1849
A62

Constitution

OF THE

State of California

AND

Summary of Amendments

TO WHICH ARE APPENDED

Magna Charta

Declaration of Rights

Declaration of Independence

The Articles of Confederation

AND

The Constitution of the United States



CALIFORNIA
STATE PRINTING OFFICE
1915



PREPARED FOR THE STATE PRINTER

BY

THE LEGISLATIVE COUNSEL BUREAU

013 D16 Sg

CONTENTS.

	PAGE
THE FLAG	5
ACT FOR ADMISSION OF CALIFORNIA INTO THE UNION	17
CONSTITUTION OF CALIFORNIA	18
MEMBERS OF CONSTITUTIONAL CONVENTION OF 1879	188
TREATY WITH MEXICO	190
CONSTITUTION OF CALIFORNIA, 1849	207
SUMMARY OF AMENDMENTS	240
MAGNA CHARTA	260
DECLARATION OF RIGHTS (New York, 1765)	284
DECLARATION OF RIGHTS (Philadelphia, 1774)	286
DECLARATION OF INDEPENDENCE	291
ARTICLES OF CONFEDERATION	296
CONSTITUTION OF THE UNITED STATES	306
AMENDMENTS TO CONSTITUTION OF THE UNITED STATES	322

290532



"I pledge allegiance to my Flag and to the Republic for which it stands--one nation, indivisible, with liberty and justice for all."

THE FLAG.

Flags of Revolutionary and Colonial Times.

Prior to the Declaration of Independence the different colonies retained the standards of the mother country, the ancient national flag of England, a white banner with the red cross of St. George, or the union flag of King James, a combination of the crosses of St. George and St. Andrew, designated as the "King's colors." There was sometimes an addition, however, of some local emblem. Massachusetts, for instance, adopted for its emblem the pine tree, placing the device also on its coins.

According to the Massachusetts Bay records, the red cross of St. George was in use in that colony in 1634, and probably had been for some time. The Puritans strongly objected to the red cross in the flag, on the narrow ground that it was a papistical symbol and was idolatrous. In November, 1634, John Endicott, of Massachusetts, a Puritan of the most austere type, with his sword cut the cross out of the banner that hung before the Governor's gate. His act received so much support in sentiment among the militiamen that in 1635 the Military Commissioners substituted the King's colors for the cross of St. George, to be displayed from ships and over Castle Island, Boston, because the castle belonged to the King, but colors were appointed for the militia companies, with the red cross left out of all of them. The English Parliament, however, in 1651, revived the standard of St. George, and the General Court of the Commonwealth of Massachusetts decreed that it be used on all appropriate occasions.

The flags in use in America in these early times were of various construction and arrangement of color. Sometimes a white field was charged with the red cross; at other times the field was red with the cross cantoned on a white field in one corner; sometimes, too, the field was blue, with the cross cantoned in white, and at times a pine tree or globe was displayed in the canton along with the cross. Under the government of Sir Edmund Andros the flag of New England had a white field, charged with the cross of St. George, surmounted with a crown, and bearing the inscription J. R. (Jacobus Rex). In 1707, when, under Queen Anne, the kingdom of Great Britain, includ-

ing England, Wales and Scotland, was established by treaty, the Union Jack of the time of King James was adopted by the American colonies, in conformity to the action of the British Parliament.

At the commencement of the Revolution the revolted colonies displayed quite a variety of flags, those so much spoken of in 1774 as "union flags" being red English ensigns, with the Union Jack, or combined crosses of St. George and St. Andrew, and bearing, in addition, such mottoes as "Liberty," "Liberty and Union," etc.

The "Union, with a red field," or, in other words, a red ensign, was displayed at New York in March, 1775, on a liberty pole, with the inscription "George Rex and the Liberties of America." The Connecticut troops displayed on their standards after the battle of Lexington the arms of the colony, with the motto "Qui transtulit, sustinet," which was freely translated "God, who transported us hither, will support us." Some time later the Provincial Congress ordered that the regiments be distinguished by the colors of their flags. Nothing is positively known as to what flag, or whether any flag, was carried by the Americans at Bunker's Hill, but there is a tradition that one was hoisted at the redoubt with the motto, "Come if You Dare." The generally accepted belief as brought down from early descriptions is that the Bunker Hill flag was blue, with the red cross of St. George and a green pine tree in a white canton in the upper left hand corner. The motto, "An Appeal to Heaven," was ordered by the Provincial Congress of Massachusetts, in 1776, to be borne on the flag of the warships of that colony. This flag was the green pine tree on a white field. The first warships commissioned by Washington, sailed under the pine-tree flag. Blue, with a white crescent, was the first revolutionary flag unfurled in the South. This was hoisted on the fortifications of Charleston, September 13, 1775, being the design of Captain William Moultrie, who prepared it at the request of the Council of Safety.

The flag known as the "Great Union" was first unfurled by Washington at Cambridge, on January 2, 1776. It combined the thirteen alternate red and white stripes of the present United States flag, with the St. George and St. Andrew crosses on the blue canton where the stars now are.

The first flag adopted by the ships of the United States as a national ensign consisted of the familiar horizontal stripes, with the British union, however, retained in a canton. Commodore Esek Hopkins bore this flag at the masthead of his ship when he sailed with his fleet from the Delaware capes on February 17, 1776. A yellow ensign, with the device of a rattlesnake about to strike, and bearing the motto, "Don't Tread on Me," was carried by Hopkins previous to the introduction of the "Great Union." The snake emblem on many of the flags then used was doubtless suggested by the illustrations at the heads of many of the newspapers of the time, representing a snake in thirteen sections, each inscribed with an abbreviation of the name of a colony and bearing the motto, "Join or Die." Sometimes the snake was represented coiled around the base of a pine tree, and at others lying at length on a field of thirteen alternate red and white or red and blue stripes. Again, it was coiled in the center on a yellow field.

When the "Great Union," whose official origin is somewhat obscure, was adopted, the legal rights of the mother country were still acknowledged by the colonists; hence the combination of the crosses of St. George and St. Andrew was retained. The thirteen red and white stripes were probably derived from the red flag of the army and white flag of the navy, which were previously in use. It is said that the thirteen stripes were first used in a banner presented by Captain Abraham Markoe to the Light Horse troop of Philadelphia in 1775. This banner is still in the possession of the troop, and is sometimes displayed at its anniversary dinners. The stripes, however, were cantoned in the upper left hand corner, while the center of the flag contained armorial emblems.

The National Flag.

The emblems of union with Britain were retained in the American flag until the year after the signing of the Declaration of Independence. As they were then considered altogether inappropriate, Congress decreed, on June 14, 1777, that "the flag of the thirteen United States be thirteen stripes, alternate red and white: that the union be thirteen stars, white in a blue field, representing a new constellation." This was the basis of the present United States Flag, which differs only in the number of white stars cantoned on the blue, and is the first definitely recorded legislative act for the adoption of a National Flag.

The original thirteen States were: New Hampshire, Massachusetts, Connecticut, Rhode Island, New York, Delaware, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, South Carolina, and Georgia. Some of the flags used, when only twelve of the States had ratified the articles of the Convention, bore only twelve stars.

The resolution in relation to the Flag was published in the papers in August, but the design was not officially promulgated by Congress until the 3d day of September.

There is a story that the National Flag was first unfurled by Paul Jones on the Ranger, he having been appointed to the command of that ship on the very day that Congress passed the National-flag resolution. It has long been accepted as a historical fact that the first military display of the Flag in battle was made August 2, 1777, when the American garrison at Fort Stanwick, New York, besieged by redcoats and Indians, raised a curiously improvised banner made up of shirts cut up to form the white stripes, bits of scarlet cloth joined for the red, and the blue ground for the stars composed of a cloth cloak.

Although tradition speaks of the unfurling of the Stars and Stripes immediately after the Declaration of Independence, there is no definite evidence of the use of the flag of thirteen stars and thirteen stripes prior to its adoption by the American Congress. George Henry Preble, Rear Admiral, U. S. N., in his "History of the Flag of the United States of America," has this to say:

"Beyond a doubt, the thirteen stars and stripes were unfurled at the battle of Brandywine, September 11, 1777, eight days after the official promulgation of them at Philadelphia, and at Georgetown on the 4th day of October following; they witnessed the operation against and the surrender of Burgoyne, after the battle of Saratoga, October 17, 1777; and the sight of this new constellation helped to cheer the patriots of the army amid their sufferings around camp fires at Valley Forge the ensuing winter. They waved triumphant at the surrender of Cornwallis at Yorktown, September 19, 1781; looked down upon the evacuation of New York, November 25, 1783; and shared in all the glories of the latter days of the revolution."

It is conceded by all authors of books touching upon the subject, that the first flag combining the stars and stripes was made and partially designed by Elizabeth or "Betsy" Ross, at No. 89 Arch street (now No. 239), Philadelphia, Pennsylvania.

Mrs. Ross made the flag after a rough drawing explained to her by General Washington, during the year 1776, for the use of the committee of Congress "appointed to design a suitable flag for the nation." After its adoption by Congress Mrs. Ross was for many years engaged in making flags for the Government.

The National Flag of the United States is a growth rather than a creation. It is not known with any degree of accuracy by whom the stars were first suggested. Some ascribe their suggestion to John Adams, while others maintain that the design of the whole flag was borrowed from the arms borne by the Washington family. The earliest recorded suggestion of stars as a device is found published March 10, 1774, in the "Massachusetts Spy," in a song written for the anniversary of the Boston Massacre of the 5th of March .

Still another origin is claimed for the National Flag, it being asserted that the blue field was taken from the banner of the Scottish Covenanters, and is, therefore, significant of "the League and Covenant of the United States against oppression."

The thirteen stars on the blue canton in the flag of 1777 were arranged in a circle, although no special form for their disposition was officially prescribed. The stars were probably disposed in a circle to symbolize the perpetuity of the new Nation, as well as the equality which existed among the States. The National Flag in this form continued unchanged until May 1, 1795. In the year before, Senator Bradley of Vermont, whose own State, on March 4, 1791, as also Kentucky on June 1, 1792, had been admitted to the Union, introduced a bill, which passed Congress and was approved January 13, 1794, as follows:

"*Be it enacted, etc.*, That from and after the first day of May, one thousand seven hundred and ninety-five, the Flag of the United States be fifteen stripes, alternate red and white; that the union be fifteen stars, white in a blue field."

This flag floated throughout the war of 1812–14.

The admission of the states of Tennessee, June 1, 1796; Ohio, November 29, 1802; Louisiana, April 30, 1812; Indiana, December 11, 1816, and Mississippi, December 10, 1817, made a change in the Flag necessary. A committee of Congress, appointed to inquire into the expediency of altering the Flag, reported a bill on the 2d day of January, 1817, and a long debate ensued. The

bill was passed during the session of 1818 and was approved April 4, 1818. It reads as follows:

"AN ACT TO ESTABLISH THE FLAG OF THE UNITED STATES.

"SECTION 1. *Be it enacted, etc.*, That from and after the fourth day of July next, the Flag of the United States be thirteen horizontal stripes, alternate red and white; that the union have twenty stars, white in a blue field.

"SEC. 2. *And be it further enacted*, That on the admission of every new State into the Union, one star be added to the union of the Flag; and that such addition shall take effect on the fourth of July next succeeding such admission."

Stars were added to the constellation as new states were added to the Union in the following order: Illinois, on December 3, 1818, was the first state to be admitted after adopting the flag, and following came Alabama, December 14, 1819; Maine, March 15, 1820; Missouri, August 10, 1821; Arkansas, June 15, 1836; Michigan, January 26, 1837; Florida, March 3, 1845; Texas, December 29, 1845; Iowa, December 28, 1846; Wisconsin, May 29, 1848; California, September 9, 1850; Minnesota, May 11, 1858; Oregon, February 14, 1859; Kansas, January 29, 1861; West Virginia, June 19, 1863; Nevada, October 31, 1864; Nebraska, March 1, 1867; Colorado, August 1, 1876; North Dakota, November 3, 1889; South Dakota, November 3, 1889; Montana, November 8, 1889; Washington, November 11, 1889; Idaho, July 3, 1890; Wyoming, July 10, 1890; Utah, January 4, 1896; Oklahoma, November 16, 1907; New Mexico, January 6, 1912; Arizona, February 14, 1912; thus altering the Flag from time to time, until it now contains forty-eight stars.

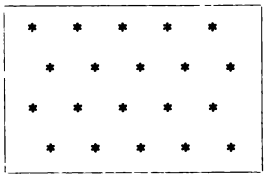
Navy and Army Regulations.

After the establishment of the Flag in 1818, the following circulars were issued:

"NAVY COMMISSIONERS' OFFICE, May 18, 1818.

"SIR: The Navy Commissioners have to inform you that agreeably to the Act of Congress of the 4th day of April, 1818, entitled, 'An Act to establish the Flag of the United States,' our National Flag is, from and after the 4th day of July next, to be: Thirteen horizontal stripes, alternate red and white. The union to be twenty stars, white in a blue field; one star to be added on the admission into the Union of every new State; such addition

to be made from and after the 4th of July next succeeding the date of such admission.



"The size of the flag must be in the proportion of fourteen feet in width and twenty-four feet in length, the field of the union must be one third of the length of the flag, and seven thirteenths of its depth, so that from the top to the bottom of the union there will be seven stripes, and six stripes from the bottom of the union to the bottom of the flag. The manner of arranging the stars you will perceive by the subjoined sketch. The upper and the lower stripes to be red.

"Respectfully,

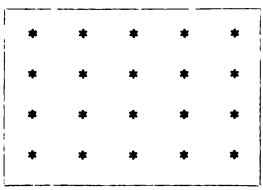
"JNO. RODGERS, President.

"*To the officer commanding, Navy Yard, Portsmouth, N. H.*'

This was amended by the following circular:

"NAVY COMMISSIONERS' OFFICE, September 18, 1818.

"SIR: Since our circular of the 18th of May last, relative to



the Flag to be worn by the vessels of the United States and at our naval stations, it has been determined by the President of the United States that the arrangement of the stars shall correspond with the pattern stated below, and the relative proportions of the Flag to continue as stated in our circular. You will govern yourself accordingly.

"On the first hoisting of the flag, you are to fire a salute of twenty guns.

"I am, respectfully, your obedient servant,

"JNO. RODGERS,

"*President of the Navy Board.*

"CAPTAIN MORRIS, *Portsmouth.*"

The following Executive Order for the information and guidance of the Naval Service was published July 25, 1912:

"EXECUTIVE ORDER.

"*Union Jacks:* The size of the Jack shall be the size of the Union of the National Flag with which it is flown.

"*Number of Stars:* All National Flags having hoist less than five (5) feet, except colors to be carried by troops, and the corresponding Jacks, shall have only thirteen (13) stars in the Union, in order that the identity of the stars may be plainly distinguishable.

"*Position and size of Stars:* The position and size of each star for Unions of forty-eight (48) and thirteen (13) stars, respectively, shall be as indicated on blueprint of a plan which will be furnished to the Departments by the Navy Department. From this plan can be determined the location and size of stars for flags of any dimensions. Extra blueprints of this plan will be furnished upon application to the Navy Department.

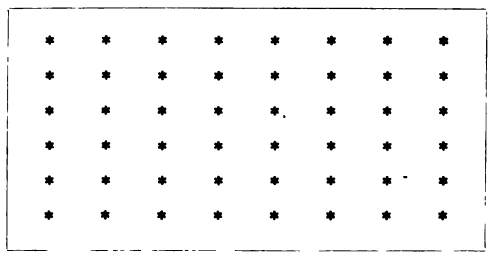
"*Order effective:* All National Flags and Union Jacks now on hand or for which contracts have been awarded shall be continued in use until unserviceable, but all those manufactured or purchased for Government use after July 4, 1912, shall conform strictly to the dimensions and proportions herein prescribed.

"The color of the field of the President's Flag shall be blue.

"WM. H. TAFT.

"THE WHITE HOUSE,
June 24, 1912."

Arrangement of Stars in American Flag, Effective July 4, 1912.



"220. The garrison, post, and storm flags are National Flags, and shall be of bunting. The union of each is as described in paragraph 213, and shall be one third the length of the Flag.

"The garrison flag will have 33 feet fly and 20 feet hoist. It will be furnished only to posts designated in orders from time to time from the War Department, and will be hoisted only on holidays and important occasions.

"The post flag will have 20 feet fly and 10 feet hoist. It will be furnished for all garrisoned posts, and will be hoisted in pleasant weather.

"The storm flag will have 8 feet fly and 4 feet 2 inches hoist. It will be furnished for all occupied posts for use in stormy weather. It will also be furnished to national cemeteries and recruiting stations."

Many are the poetic and beautiful interpretations of the subtle meaning lying behind the stars and stripes of our national emblem.

While some such interpretations might surprise, yet many would doubtless delight the original designers of "Old Glory," but so long as it shall "wæve, o'er the land of the free and the home of the brave," will the immortal poem of Francis Scott Key stir the heart of every true American to patriotic fervor.

Francis Scott Key, the author of "The Star-Spangled Banner," was born in Frederick County, Maryland, August 9, 1780, and died in Baltimore, January 11, 1843.

The phrase "I pledge allegiance to my Flag and to the Republic for which it stands, one nation, indivisible, with liberty and justice to all," which is repeated by pupils in the public schools, originated with the late J. B. Upham, of Boston, Massachusetts, who was the originator and chief promoter of the School Flag Movement.

Chronicles of the Flag.

The Flag of the United States at the time of the Revolution had thirteen stars; in the War of 1812, fifteen stars; in the Mexican War, twenty-nine stars; in the Civil War, thirty-five stars; and in the Spanish-American War, forty-five stars.

Raised for the first time over Massachusetts State House on Beacon Hill, Boston, August 24, 1824.

The twin-screw steam schooner "Midas" was the first American steamer to carry the Flag around Cape of Good Hope for China, in 1844.

The bark "Edith" was the first auxiliary screw steamer under the American Flag that went to the British Indies. She was launched in 1844, and sailed from New York January 18, 1845. She was afterwards chartered by, and finally sold to, the War Department, and sent to California, where she was transferred to the Navy, and lost off the coast of Santa Barbara.

The first American propeller packet ship to carry our Flag to England was the "Massachusetts." She was launched at East

Boston, July 22, 1845, and sailed from New York September 17, 1845. She, like the "Edith," was chartered by the Government, transferred to the Navy Department, and sent to California. During the Civil War her engines were taken out, and she was refitted as a storeship and renamed the "Farallones." After the war she was sold in San Francisco, and renamed the "Alaska," and was engaged in carrying wheat from that port to Liverpool. Pictures of both the "Edith" and the "Massachusetts" are in the Naval Library and Institute at Charlestown.

In the Boston "Daily Advertiser" appeared the following: "The first Stars and Stripes were raised in California, at San Diego, by Captain James P. Arther, when mate of the ship 'Brookline,' in the latter part of 1829. The flag was manufactured from shirts, and Captain Arther writes, with the accuracy of a historian, that Mr. George W. Greene's calico shirt furnished the blue, while he furnished the red and white. The same flag was afterwards frequently raised at Santa Barbara."

Mr. Ed E. Dunbar, in "The Discovery of Gold in California," writes: "In 1842 Commodore Jones, of the United States Navy, impressed that the United States were at war with Mexico, took possession of Monterey, hoisted the 'Stars and Stripes' there, and proclaimed California a Territory of the United States. Discovering his mistake the next day, he hauled down our Flag, and made such apology as the circumstances would admit."

The Flag was officially raised in California by Commodore Sloat, at Monterey, July 7, 1846, and at San Francisco, by Commander Montgomery of the sloop-of-war "Portsmouth," July 8, 1846.

Hoisted by Lieutenant Lynch, for the first time in Palestine, March 31, 1848; displayed on the Sea of Galilee, April 8, 1848, and on the Dead Sea, April 19, 1848.

Planted by Lieutenant Stone on the loftiest peak of Mount Popocatepetl, Mexico, at an altitude estimated from 17,720 to 18,362 feet, April 11, 1848.

A party of nine officers, thirty soldiers, and two sailors started the ascent of Mount Orizaba, Mexico, where man had never trod before, but only three Army officers and two Navy officers succeeded in reaching the summit, where at an altitude of 17,300 feet they raised the American Flag in May, 1848. A correspondent of the New Orleans "Delta" wrote concerning this feat: "On the highest pinnacle of the frozen summit of Orizaba waves the Star-Spangled Banner! So you can tell Mr. Polk, his Cabinet, and

all Congress assembled, that they may pass what laws they please, make treaties, and the Mexicans issue pronunciamentos, but still will the American Flag wave over their country; for who will go up to pull it down?"

The American ensign was first displayed in Japan on the landing of Commodore M. C. Perry at Uraga, on the bay of Jeddo, in July, 1853. In its cluster were twenty-nine stars.

In 1856, after the Crimean War, and Sebastopol was opened to all nations, the first vessel to enter its port was the American ship "Troy," with the Stars and Stripes flying.

Raised by Dr. I. I. Hayes in lat. 80° 25′, long. 70° 30′ W. (the most northern land that had been reached), May 18, 1861.

"On the 4th of July, 1879, Lieutenant Frederick Schwatka, U. S. Army, on his remarkable sledge expedition of 3,251 statute miles, unfurled for the first time at Cape Felix, King Williams Land, a United States Flag, which is now deposited in the Museum of the United States Military Service Institution on Governor's Island." (Army and Navy Journal, November 6, 1880)

The first Flag after its establishment in 1818 was made by Mrs. S. C. Reid, of New York, and hoisted on the flagstaff of the House of Representatives, April 14, 1818.

Protection of the Flag.

Section 310 of our Penal Code provides—

That any person, firm or corporation, who, in any manner, for exhibition or display, puts, places, or causes to be placed, an inscription, picture, device, design, symbol, name, advertisement, word, letter, character, mark or notice of any kind whatsoever, upon any flag of the United States, or ensign evidently purporting to be such flag, or who in any manner appends, annexes or affixes to any such flag any inscription, picture, device, symbol, name, advertisement, word, letter, character, mark or notice whatsoever, or who displays or exhibits, or causes to be displayed or exhibited, any flag of the United States or ensign purporting to be such flag, upon which is put, attached, annexed, affixed or placed in any manner, any inscription, picture, design, device, symbol, name, advertisement, word, letter, mark or notice whatsoever, or who mutilates, tramples upon, or otherwise defaces or defiles any such flag, said flag, be public or private property, or who places or causes to be placed on any manufactured or prepared article or covering of said article, such flag, or indication

of such flag, or who uses or causes to be used for purposes of a commercial or other trade-mark, such flag, or indication of such flag, shall be fined not more than two hundred dollars or imprisoned not more than one year, or both, for each and every offense, in the county jail of the county in which the trial is held; *provided, however*, that flags, or ensigns, the property of and used in the service of the United States, or any state, territory or District of Columbia, may have inscriptions, names of actions, battles, skirmishes, or words, marks or symbols, which are placed thereon pursuant to law or authorized regulations; *provided, further*, that this act shall not apply to banners or flags carried by military or patriotic organizations existing under the laws of the State of California and the United States of America, or to flags used in theatrical performances, or to flags carried by political parties, or organizations, in parades, or in public meetings. [Approved March 18, 1909; Stats. 1909, p. 401]

The State Flag.

By an act approved February 3, 1911, the Bear Flag was selected and adopted as the State Flag of California. The flag is thus described:

"The said bear flag shall consist of a flag of a length equal to one and one half the width thereof; the upper five-sixth of the width thereof to be a white field, and the lower sixth of the width thereof to be a red stripe; there shall appear in the white field in the upper left hand corner a single red star, and at the bottom of the white field the words 'California Republic,' and in the center of the white field a California grizzly bear upon a grass plat, in the position of walking towards the left of the said field; said bear shall be dark brown in color and in length, equal to one third of the length of said flag."


CALIFORNIA REPUBLIC

ACT FOR THE ADMISSION OF THE STATE OF CALIFORNIA INTO THE UNION.

WHEREAS, The people of California have presented a constitution and asked admission into the Union, which constitution was submitted to Congress by the President of the United States, by message dated February thirteenth, eighteen hundred and fifty, and which, on due examination, is found to be republican in its form of government:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of California shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatever.

2. The said State of California is admitted into the Union upon the express condition that the people of said State, through their Legislature or otherwise, shall never interfere with the primary disposal of the public lands within its limits, and shall pass no law and do no act whereby the title of the United States to, and right to dispose of, the same shall be impaired or questioned; and that they shall never lay any tax, or assessment of any description whatsoever, upon the public domain of the United States; and in no case shall non-resident proprietors, who are citizens of the United States, be taxed higher than residents; and that all the navigable waters within the said State shall be common highways, and forever free, as well to the inhabitants of said State as to the citizens of the United States, without any tax, impost, or duty therefor; *provided*, that nothing herein contained shall be construed as recognizing or rejecting the propositions tendered by the people of California, as articles of compact in the ordinance adopted by the convention which formed the Constitution of that State.

3. All laws of the United States which are not locally inapplicable shall have the same force and effect within the said State of California as elsewhere within the United States.

Approved September 9, 1850.

CONSTITUTION OF THE STATE OF CALIFORNIA—1879

Under and by authority of section 2 of article X, Constitution of 1849, the Legislature at its session of 1876 submitted to a vote of the people of the State the proposition of calling a convention to frame a new Constitution (Stats. of Cal. 1875-6, p. 791). This proposition was adopted by the people at the subsequent general State election, and in pursuance of such action the Legislature which followed passed an enabling act entitled "An Act to provide for a Convention to frame a new Constitution for the State of California," which act was approved March 30, 1878 (Stats. of Cal. 1877-8, p. 759). The act called for an election to be held on Wednesday, June 19, 1878, for the purpose of electing delegates to a Constitutional Convention, to be composed of one hundred and fifty-two delegates, thirty-two to be elected by the State at large, eight residents of each of the four Congressional Districts then existing, and the remaining one hundred and twenty, a number equivalent to the combined membership of the two branches of the State Legislature, were apportioned among the various counties by the act itself.

The convention thus constituted met in the Assembly Chamber of the State Capitol at Sacramento on Saturday, September 28, 1878.

The convention adjourned on Monday, March 3, 1879, and the Constitution thus framed was ratified by vote of the people on Wednesday, May 7, 1879.

PREAMBLE.

We, the people of the State of California, grateful to Almighty God for our freedom, in order to secure and perpetuate its blessings, do establish this Constitution. [Constitution of 1849]
4 Cal. 46.

ARTICLE I.

DECLARATION OF RIGHTS.

Inalienable rights.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and pro-

tecting property; and pursuing and obtaining safety and happiness. [Constitution of 1849, Art. I, § 1]

60 Cal. 192; 60 Cal. 197; 62 Cal. 539; 65 Cal. 35; 98 Cal. 73; 112 Cal. 471; 125 Cal. 396; 128 Cal. 434; 133 Cal. 354, 377; 136 Cal. 125, 527; 144 Cal. 234; 147 Cal. 650, 763; 148 Cal. 126; 149 Cal. 79, 400; 150 Cal. 265; 154 Cal. 322; 157 Cal. 27; 158 Cal. 325; 162 Cal. 691, 693; 1 Cal. App. 699; 5 Cal. App. 759; 6 Cal. App. 236.

Purpose of government.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it. [Constitution of 1849, Art. I, § 2]

92 Cal. 316.

United States Constitution supreme law.

SEC. 3. The State of California is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land.

144 Cal. 79.

Liberty of conscience.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be guaranteed in this State; and no person shall be rendered incompetent to be a witness or juror on account of his opinions on matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State. [Constitution of 1849, Art. I, § 4]

55 Cal. 552; 59 Cal. 6, 13, 20; 60 Cal. 177, 192, 195, 201, 204, 211; 71 Cal. 550; 77 Cal. 23.

Suspension of habeas corpus.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended unless when, in cases of rebellion or invasion, the public safety may require its suspension. [Constitution of 1849, Art. I, § 5]

126 Cal. 616; 133 Cal. 354.

Bail—Unusual punishment—Detention of witnesses.

SEC. 6. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted. Witnesses shall not be unreasonably detained, nor confined in any room where criminals are actually imprisoned. [Constitution of 1849, Art. I, §§ 5, 6]

53 Cal. 411; 54 Cal. 77, 103; 57 Cal. 94; 59 Cal. 417, 675; 61 Cal. 58; 64 Cal. 266; 67 Cal. 257; 68 Cal. 262; 70 Cal. 2; 82 Cal. 183; 83 Cal. 389; 87 Cal. 160; 90 Cal. 617; 92 Cal. 189; 156 Cal. 737; 160 Cal. 383; 1 Cal. App. 199; 8 Cal. App. 469, 566; 11 Cal. App. 575; 18 Cal. App. 4.

Trial by jury.

SEC. 7. The right of trial by jury shall be secured to all, and remain inviolate; but in civil actions three fourths of the jury may render a verdict. A trial by jury may be waived in all criminal cases not amounting to felony, by the consent of both parties, expressed in open court, and in civil actions by the consent of the parties, signified in such manner as may be prescribed by law. In civil actions and cases of misdemeanor, the jury may consist of twelve, or of any number less than twelve upon which the parties may agree in open court. [Constitution of 1849, Art. I, § 3]

57 Cal. 232; 64 Cal. 266; 70 Cal. 448; 85 Cal. 642; 87 Cal. 354, 356; 88 Cal. 124; 96 Cal. 136; 97 Cal. 180; 100 Cal. 227; 104 Cal. 467; 106 Cal. 298; 114 Cal. 368 (disbarment—no right to jury trial); 122 Cal. 139; 125 Cal. 504; 127 Cal. 201, 202; 129 Cal. 552; 136 Cal. 530; 139 Cal. 589; 164 Cal. 177; 48 Cal. Dec. 79, 80, 81; 5 Cal. App. 623; 6 Cal. App. 770; 9 Cal. App. 250.

Indictment—Information—Grand jury.

SEC. 8. Offenses heretofore required to be prosecuted by indictment shall be prosecuted by information, after examination and commitment by a magistrate, or by indictment, with or without such examination and commitment, as may be prescribed by law. A grand jury shall be drawn and summoned at least once

a year in each county. [Constitution of 1849, Art. I, portion of § 8]

56 Cal. 229, 233, 638; 57 Cal. 565; 59 Cal. 229; 60 Cal. 104; 64 Cal. 178, 213; 65 Cal. 77, 108, 646; 66 Cal. 665; 67 Cal. 232; 68 Cal. 579; 69 Cal. 108, 546; 78 Cal. 568; 85 Cal. 88; 91 Cal. 645; 92 Cal. 271; 105 Cal. 508, 644; 108 Cal. 663; 109 Cal. 449, 622; 111 Cal. 612; 115 Cal. 53; 128 Cal. 96; 142 Cal. 598; 152 Cal. 73; 167 Cal. 317, 318; 5 Cal. App. 465, 468; 9 Cal. App. 283, 543; 19 Cal. App. 551; 20 Cal. App. 589; 24 Cal. App. 181; 19 Cal. App. Dec. 182.

Liberty of speech and of the press.

SEC. 9. Every citizen may freely speak, write, and publish his sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact. Indictments found, or information laid, for publications in newspapers, shall be tried in the county where such newspapers have their publication office, or in the county where the party alleged to be libeled resided at the time of the alleged publication, unless the place of trial shall be changed for good cause. [Constitution of 1849, Art. I, § 9]

72 Cal. 466; 73 Cal. 123; 112 Cal. 97, 100; 122 Cal. 93; 139 Cal. 121; 157 Cal. 774 *et seq.*; 167 Cal. 317; 1 Cal. App. 698; 19 Cal. App. Dec. 676.

Right to assemble and to petition.

SEC. 10. The people shall have the right to freely assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances. [Constitution of 1849, Art. I, § 10]

129 Cal. 343.

Uniform general laws.

SEC. 11. All laws of a general nature shall have a uniform operation. [Constitution of 1849, Art. I, § 11]

56 Cal. 638; 57 Cal. 160; 58 Cal. 61; 59 Cal. 12; 60 Cal. 189; 65 Cal. 35; 68 Cal. 145; 69 Cal. 151; 71 Cal. 630, 631; 76 Cal. 442; 84 Cal. 76; 89 Cal. 472, 523; 90 Cal. 558; 91 Cal. 238, 249; 94 Cal. 603, 620, 624, 632; 104 Cal. 351, 645; 105 Cal. 616; 109 Cal. 334, 497; 110 Cal. 652; 111 Cal. 371, 372, 569; 112 Cal. 474; 113 Cal. 646; 115 Cal. 550; 118 Cal. 305, 408; 120 Cal. 650; 122 Cal. 147; 124 Cal. 347; 126 Cal. 37; 127 Cal. 7; 129 Cal. 343; 134 Cal. 53, 55; 136 Cal. 528, 538; 137 Cal. 481; 138 Cal. 381; 140 Cal. 487; 143 Cal. 414; 144 Cal. 269; 147 Cal. 334; 148 Cal. 265, 748; 149 Cal. 400; 151 Cal. 334; 153 Cal. 61, 62; 155 Cal. 381, 657; 157 Cal. 55, 75, 158, 159, 163, 164; 162 Cal. 590, 691; 164 Cal. 326, 400, 568; 1 Cal. App. 199; 6 Cal. App. 240, 241; 11 Cal. App. 407; 12 Cal. App. 405; 17 Cal. App. 425; 18 Cal. App. 33; 24 Cal. App. 89, 218; 19 Cal. App. Dec. 66, 67.

Civil power supreme.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace, and no soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner prescribed by law. [Constitution of 1849, Art. I, §§ 12 and 13]

19 Cal. App. Dec. 843.

Criminal prosecutions—Rights of accused.

SEC. 13. In criminal prosecutions, in any court whatever, the party accused shall have the right to a speedy and public trial; to have the process of the court to compel the attendance of witnesses in his behalf, and to appear and defend, in person and with counsel. No person shall be twice put in jeopardy for the same offense; nor be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law. The Legislature shall have power to provide for the taking, in the presence of the party accused and his counsel, of depositions of witnesses, in criminal cases other than cases of homicide, when there is reason to believe

that the witness, from inability or other cause, will not attend at the trial. [Constitution of 1849, Art. I, portion of § 8]

54 Cal. 531; 55 Cal. 290, 296; 57 Cal. 251; 62 Cal. 491; 63 Cal. 219, 293; 64 Cal. 401; 65 Cal. 223, 232; 66 Cal. 102, 603; 67 Cal. 99; 68 Cal. 18, 630; 69 Cal. 301, 372; 70 Cal. 18; 73 Cal. 582; 74 Cal. 22, 38; 76 Cal. 57, 344; 77 Cal. 30, 177, 183, 213; 79 Cal. 181, 429; 82 Cal. 459, 461, 462, 463, 465, 466, 468; 84 Cal. 441; 85 Cal. 383, 516; 91 Cal. 30; 92 Cal. 486; 98 Cal. 681; 99 Cal. 231, 361; 100 Cal. 153; 103 Cal. 193, 245, 354; 104 Cal. 527; 105 Cal. 606, 615, 643; 107 Cal. 288; 108 Cal. 324, 607; 113 Cal. 284; 114 Cal. 57; 115 Cal. 61; 116 Cal. 77, 250, 392; 117 Cal. 10; 122 Cal. 126; 127 Cal. 7; 130 Cal. 123; 132 Cal. 501; 133 Cal. 351, 354, 355; 136 Cal. 125, 295; 143 Cal. 698; 144 Cal. 56, 334; 145 Cal. 90; 146 Cal. 315; 150 Cal. 34, 550; 151 Cal. 204; 152 Cal. 617; 154 Cal. 308, 322, 390; 160 Cal. 338, 427; 165 Cal. 61; 48 Cal. Dec. 554; 1 Cal. App. 199; 2 Cal. App. 204; 5 Cal. App. 214, 590, 759; 6 Cal. App. 236; 7 Cal. App. 753; 8 Cal. App. 117; 9 Cal. App. 200, 250; 11 Cal. App. 472; 13 Cal. App. 545; 14 Cal. App. 114; 17 Cal. App. 6; 18 Cal. App. 65; 24 Cal. App. 800.

Rights of private property.

SEC. 14. Private property shall not be taken or damaged for public use without just compensation having first been made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefits from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. The taking of private property for a railroad run by steam or electric power for logging or lumbering purposes shall be deemed a taking for a public use, and any person, firm, company or corporation taking private property under the law of eminent domain for such purposes shall thereupon and thereby become a common carrier. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 14. Private property shall not be taken or damaged for public use without just compensation having

been first made to, or paid into court for, the owner, and no right of way shall be appropriated to the use of any corporation other than municipal until full compensation therefor be first made in money or ascertained and paid into court for the owner, irrespective of any benefit from any improvement proposed by such corporation, which compensation shall be ascertained by a jury, unless a jury be waived, as in other civil cases in a court of record, as shall be prescribed by law. [Constitution of 1849, Art. I, portion of § 8]

50 Cal. 285, 411; 54 Cal. 324; 59 Cal. 265, 267; 60 Cal. 210; 61 Cal. 91; 64 Cal. 114, 178; 65 Cal. 250, 294; 66 Cal. 492, 501; 67 Cal. 49, 62, 64, 545; 68 Cal. 62, 65; 69 Cal. 206, 265, 301; 73 Cal. 40; 74 Cal. 261, 262; 77 Cal. 29; 78 Cal. 72; 79 Cal. 162, 551; 83 Cal. 569; 85 Cal. 614; 86 Cal. 48; 91 Cal. 456; 94 Cal. 492; 95 Cal. 223; 98 Cal. 262, 617, 618; 102 Cal. 663; 103 Cal. 461, 470, 616; 104 Cal. 20; 106 Cal. 284; 109 Cal. 622; 111 Cal. 563; 112 Cal. 309; 118 Cal. 281, 287, 288, 572, 584; 124 Cal. 643; 125 Cal. 106; 126 Cal. 22, 153; 130 Cal. 495, 634, 636, 637; 133 Cal. 105; 137 Cal. 579, 621, 629; 141 Cal. 49; 142 Cal. 650; 144 Cal. 212; 150 Cal. 175; 151 Cal. 273, 275, 279; 154 Cal. 322; 155 Cal. 320; 157 Cal. 75, 79; 160 Cal. 299; 162 Cal. 717; 166 Cal. 658, 661, 688; 1 Cal. App. 444; 2 Cal. App. 560; 5 Cal. App. 730; 10 Cal. App. 381; 19 Cal. App. 134; 24 Cal. App. 266; 23 Cal. App. 273; 19 Cal. App. Dec. 182.

No imprisonment for debt.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud, nor in civil actions for torts, except in cases of wilful injury to person or property; and no person shall be imprisoned for a militia fine in time of peace. [Constitution of 1849, Art. I, §15]

67 Cal. 216; 80 Cal. 212; 86 Cal. 71; 134 Cal. 661; 138 Cal. 250; 19 Cal. App. Dec. 678.

Bill of attainder—Ex post facto law—Obligation of contract.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligations of contracts, shall ever be passed. [Constitution of 1849, Art. I, § 16]

54 Cal. 41; 59 Cal. 288; 65 Cal. 67, 383; 68 Cal. 91, 428; 72 Cal. 466; 74 Cal. 224; 79 Cal. 183, 537; 85 Cal. 81; 89 Cal. 387; 93 Cal. 427; 104 Cal. 448; 116 Cal. 340, 523; 117 Cal. 140; 119 Cal. 160; 146 Cal. 610, 624; 162 Cal. 233; 166 Cal. 638; 19 Cal. App. Dec. 94.

Rights of aliens.

SEC. 17. Foreigners, of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission, and inheritance of all property, other than real estate, as native born citizens; *provided*, that such aliens owning real estate at the time of the adoption of this amendment may remain such owners; *and provided, further*, that the Legislature may, by statute, provide for the disposition of real estate which shall hereafter be acquired by such aliens by descent or devise. [*Amendment adopted November 6, 1894*]

Original text.—SEC. 17. Foreigners of the white race, or of African descent, eligible to become citizens of the United States under the naturalization laws thereof, while bona fide residents of this State, shall have the same rights in respect to the acquisition, possession, enjoyment, transmission and inheritance of property as native born citizens. [Constitution of 1849, Art. I, § 17]

13 Cal. 160; 61 Cal. 358; 65 Cal. 593, 594, 595; 67 Cal. 382, 386; 68 Cal. 50; 70 Cal. 153, 155; 127 Cal. 434, 437; 158 Cal. 325.

Slavery prohibited.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State. [Constitution of 1849, Art. I, § 18]

Unreasonable seizure and search—Warrant.

SEC. 19. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched and the person and things to be seized. [Constitution of 1849, Art. I, § 19]

68 Cal. 284, 288; 73 Cal. 408; 105 Cal. 606, 615; 126 Cal. 238; 155 Cal. 546; 15 Cal. App. 285; 23 Cal. App. 665; 19 Cal. App. Dec. 430.

Treason.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless

on the evidence of two witnesses to the same overt act, or confession in open court. [Constitution of 1849, Art. I, § 20]

68 Cal. 180, 181.

Privileges and immunities.

SEC. 21. No special privileges or immunities shall ever be granted which may not be altered, revoked, or repealed by the Legislature, nor shall any citizen, or class of citizens, be granted privileges or immunities which, upon the same terms, shall not be granted to all citizens.

60 Cal. 189; 62 Cal. 539; 65 Cal. 35; 69 Cal. 151; 72 Cal. 389; 73 Cal. 371, 375; 83 Cal. 396, 412; 110 Cal. 652; 112 Cal. 471; 114 Cal. 496; 118 Cal. 5; 127 Cal. 7; 129 Cal. 343; 134 Cal. 55, 59; 137 Cal. 481; 143 Cal. 414, 573; 144 Cal. 173; 148 Cal. 265; 149 Cal. 400; 151 Cal. 334; 152 Cal. 233; 154 Cal. 330; 156 Cal. 74; 157 Cal. 55; 162 Cal. 590, 691; 164 Cal. 568; 6 Cal. App. 237, 240, 241; 8 Cal. App. 535; 12 Cal. App. 405; 18 Cal. App. 25; 24 Cal. App. 89; 19 Cal. App. Dec. 456, 457 (holding invalid § 2289 of Pol. Code).

Constitution mandatory.

SEC. 22. The provisions of this Constitution are mandatory and prohibitory, unless by express words they are declared to be otherwise.

54 Cal. 247; 56 Cal. 655; 57 Cal. 609; 65 Cal. 271; 69 Cal. 485, 492, 502, 512; 83 Cal. 403, 494; 86 Cal. 50; 92 Cal. 316; 94 Cal. 608; 104 Cal. 351; 115 Cal. 548; 128 Cal. 247; 129 Cal. 403; 132 Cal. 219; 134 Cal. 296; 144 Cal. 387; 147 Cal. 582; 160 Cal. 40, 41; 164 Cal. 710; 166 Cal. 587; 9 Cal. App. 159.

Rights reserved.

SEC. 23. This enumeration of rights shall not be construed to impair or deny others retained by the people. [Constitution of 1849, Art. I, § 21]

129 Cal. 347.

No property qualification of electors.

SEC. 24. No property qualification shall ever be required for any person to vote or hold office.

92 Cal. 321; 117 Cal. 123; 155 Cal. 389, 789; 160 Cal. 355.

Right to fish.

SEC. 25. The people shall have the right to fish upon and from public lands of the State and in the waters thereof, excepting upon lands set aside for fish hatcheries, and no land owned by the State shall ever be sold or transferred without reserving in the people the absolute right to fish thereupon; and no law shall ever be passed making it a crime for the people to enter upon the public lands within this State for the purpose of fishing in any water containing fish that have been planted therein by the State; *provided*, that the Legislature may by statute, provide for the season when and the conditions under which the different species of fish may be taken. [*New section adopted November 8, 1910*]

24 Cal. App. 340, 341, 342.

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every native citizen of the United States, every person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he or she claims his or her vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his or her name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Amendment adopted October 10, 1911*]

165 Cal. 778, native woman, by marrying alien, loses citizenship.

Amendment of 1894.—SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, no insane person, no person convicted of any infamous crime, no person hereafter convicted of the embezzlement or misappropriation of public money, and no person who shall not be able to read the Constitution in the English language and write his name, shall ever exercise the privileges of an elector in this State; *provided*, that the provisions of this amendment relative to an educational qualification shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who now has the right to vote, nor to any person who shall be sixty years of age and upwards at the time this amendment shall take effect. [*Adopted November 6, 1894*]

23 Cal. App. 471, 475, educational test.

Original text.—SECTION 1. Every native male citizen of the United States, every male person who shall have acquired the rights of citizenship under or by virtue of the treaty of Queretaro, and every male naturalized citizen thereof, who shall have become such ninety days prior to any election, of the age of twenty-one years, who shall have been a resident of the State one year next preceding the election, and of the county in which he claims his vote ninety days, and in the election precinct thirty days, shall be entitled to vote at all elections which are now or may hereafter be authorized by law; *provided*, no native of China, no idiot, insane person, or person convicted of any infamous crime, and no person hereafter convicted of the embezzlement or misappropriation of public money, shall ever exercise the privileges of an elector in this State. [Constitution of 1849, Art. II, § 1, 5]

78 Cal. 568; 83 Cal. 81; 91 Cal. 467; 92 Cal. 321; 117 Cal. 123; 120 Cal. 374, 377; 127 Cal. 88; 136 Cal. 451; 145 Cal. 341; 146 Cal. 513; 151 Cal. 603; 152 Cal. 231, 232; 7 Cal. App. 413.

Privilege of electors.

SEC. 2. Electors shall in all cases, except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom. [Constitution of 1849, Art. II, § 2]

Primary elections.

SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties; and the Legislature shall enact laws providing for the direct nomination of candidates for public office, by electors, political parties, or organizations of electors without conventions, at elections to be known and designated as primary elections; also to determine the tests and conditions upon which electors, political parties, or organizations of electors may participate in any such primary election. It shall also be lawful for the Legislature to prescribe that any such primary election shall be mandatory and obligatory. The Legislature shall also have the power to establish the rates of compensation for primary election officers serving at such primary elections in any city, or city and county, or county, or other subdivision of a designated population, without making such compensation uniform, and for such purpose such law may declare the population of any city, city and county, county or political subdivision; *provided, however*, that until the Legislature shall enact a direct primary election law under the provisions of this section, the present primary election law shall remain in force and effect. [*Amendment adopted November 3, 1908*]

155 Cal. 780 *et seq.;* 48 Cal. Dec. 197, 198.

New section of 1900.—SEC. 2½. The Legislature shall have the power to enact laws relative to the election of delegates to conventions of political parties at elections known and designated as primary elections. Also to determine the tests and conditions upon which electors, political parties, or organizations of voters, may participate in any such primary election, which tests or conditions may be different from the tests and conditions required and permitted at other elections authorized by law; or the Legislature may delegate the power to determine such tests or conditions, at primary elections, to the various political parties participating therein. It shall also be lawful for the Legislature to prescribe that any such primary election law shall be obligatory and mandatory in any city, or any city and county, or in any county, or in any political subdivision, of a designated population, and that such law shall be optional in any city, city and county, county, or political subdivision of a lesser population, and for such purpose such law may declare the population of any city, city and county, county, or political subdivision, and may also provide what, if any, compensation primary election officers in defined places or political subdivisions may receive, without making compensation either general or uniform. [*Adopted November 6, 1900*]

120 Cal. 379; 146 Cal. 316; 151 Cal. 602, 605; 152 Cal. 434.

Military duty on election day.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger. [Constitution of 1849, Art. II, § 3]

When residence not gained nor lost.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept in any almshouse or other asylum, at public expense; nor while confined in any public prison. [Constitution of 1849, Art. II, § 4]

105 Cal. 462.

Manner of voting—Secrecy.

SEC. 5. All elections by the people shall be by ballot or by such other method as may be prescribed by law; *provided*, that secrecy in voting be preserved. [*Amendment adopted November 3, 1896*]

146 Cal. 316; 154 Cal. 282.

Original text.—SEC. 5. All elections by the people shall be by ballot. [Constitution of 1849, Art. II, § 6]

Different methods of voting in different sections.

SEC. 6. The inhibitions of this Constitution to the contrary notwithstanding, the Legislature shall have power to provide that in different parts of the State different methods may be employed for receiving and registering the will of the people as expressed at elections, and may provide that mechanical devices may be used within designated subdivisions of the State at the option of the local authority indicated by the Legislature for that purpose. [*New section adopted November 4, 1902*]

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments—the legislative, executive, and judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either

or the others, except as in this Constitution expressly directed or permitted. [Constitution of 1849, Art. III, § 1]

5 Cal. 19, 112; 8 Cal. 15; 10 Cal. 403; 17 Cal. 557; 20 Cal. 43; 22 Cal. 478; 24 Cal. 126; 29 Cal. 452; 30 Cal. 167; 33 Cal. 281; 34 Cal. 522, 525; 46 Cal. 514; 47 Cal. 653; 50 Cal. 403; 52 Cal. 135; 58 Cal. 643, 645; 61 Cal. 323; 68 Cal. 196; 80 Cal. 211, 234; 93 Cal. 414; 101 Cal. 26; 102 Cal. 470; 106 Cal. 422, 423, 424; 123 Cal. 527; 126 Cal. 672; 127 Cal. 159; 129 Cal. 602, 604; 140 Cal. 12; 146 Cal. 606, 607; 148 Cal. 631; 150 Cal. 318; 151 Cal. 43, 285; 155 Cal. 656; 156 Cal. 501; 157 Cal. 422, 424; 1 Cal. App. 67; 8 Cal. App. Dec. 609; 11 Cal. App. 572.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly which shall be designated "The Legislature of the State of California," but the people reserve to themselves the power to propose laws and amendments to the Constitution, and to adopt or reject the same, at the polls independent of the Legislature, and also reserve the power, at their own option, to so adopt or reject any act, or section or part of any act, passed by the Legislature. The enacting clause of every law shall be "The people of the State of California do enact as follows:".

The Initiative.

The first power reserved to the people shall be known as the initiative. Upon the presentation to the Secretary of State of a petition certified as herein provided to have been signed by qualified electors, equal in number to eight per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law or amendment to the Constitution, set forth in full in said petition, the Secretary of State shall submit the said proposed law or amendment to the Constitution to the electors at the next succeeding general election occurring subsequent to ninety days after the presentation aforesaid of said petition, or at any special election called by the Governor in his discretion prior to such general election. All such initiative petitions shall have printed across the top thereof in twelve point black-face type the

following: "Initiative measure to be submitted directly to the electors."

Upon the presentation to the Secretary of State, at any time not less than ten days before the commencement of any regular session of the Legislature, of a petition certified as herein provided to have been signed by qualified electors of the State equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election, at which a Governor was elected, proposing a law set forth in full in said petition, the Secretary of State shall transmit the same to the Legislature as soon as it convenes and organizes. The law proposed by such petition shall be either enacted or rejected without change or amendment by the Legislature, within forty days from the time it is received by the Legislature. If any law proposed by such petition shall be enacted by the Legislature it shall be subject to referendum, as hereinafter provided. If any law so petitioned for be rejected, or if no action is taken upon it by the Legislature, within said forty days, the Secretary of State shall submit it to the people for approval or rejection at the next ensuing general election. The Legislature may reject any measure so proposed by initiative petition and propose a different one on the same subject by a yea and nay vote upon separate roll call, and in such event both measures shall be submitted by the Secretary of State to the electors for approval or rejection at the next ensuing general election or at a prior special election called by the Governor, in his discretion, for such purpose. All said initiative petitions last above described shall have printed in twelve point black-face type the following: "Initiative measure to be presented to the Legislature."

The Referendum.

The second power reserved to the people shall be known as the referendum. No act passed by the Legislature shall go into effect until ninety days after the final adjournment of the session of the Legislature which passed such act, except acts calling elections, acts providing for tax levies or appropriations for the usual current expenses of the State, and urgency measures necessary for the immediate preservation of the public peace, health or safety, passed by a two-thirds vote of all the members elected to each house. Whenever it is deemed necessary for the immediate preservation of the public peace, health or safety that a law shall go into immediate effect, a statement of the facts constituting such necessity shall be set forth in one section of the act.

which section shall be passed only upon a yea and nay vote, upon a separate roll call thereon; *provided, however,* that no measure creating or abolishing any office or changing the salary, term or duties of any officer, or granting any franchise or special privilege, or creating any vested right or interest, shall be construed to be an urgency measure. Any law so passed by the Legislature and declared to be an urgency measure shall go into immediate effect.

Upon the presentation to the Secretary of State within ninety days after the final adjournment of the Legislature of a petition certified as herein provided, to have been signed by qualified electors equal in number to five per cent of all the votes cast for all candidates for Governor at the last preceding general election at which a Governor was elected, asking that any act or section or part of any act of the Legislature be submitted to the electors for their approval or rejection, the Secretary of State shall submit to the electors for their approval or rejection, such act, or section or part of such act, at the next succeeding general election occurring at any time subsequent to thirty days after the filing of said petition or at any special election which may be called by the Governor, in his discretion, prior to such regular election, and no such act or section or part of such act shall go into effect until and unless approved by a majority of the qualified electors voting thereon; but if a referendum petition is filed against any section or part of any act the remainder of such act shall not be delayed from going into effect.

Miscellaneous Provisions.

Any act, law or amendment to the Constitution submitted to the people by either initiative or referendum petition and approved by a majority of the votes cast thereon, at any election, shall take effect five days after the date of the official declaration of the vote by the Secretary of State. No act, law or amendment to the Constitution, initiated or adopted by the people, shall be subject to the veto power of the Governor, and no act, law or amendment to the Constitution, adopted by the people at the polls under the initiative provisions of this section, shall be amended or repealed except by a vote of the electors, unless otherwise provided in said initiative measure; but acts and laws adopted by the people under the referendum provisions of this section may be amended by the Legislature at any subsequent session thereof. If any provision or provisions of two or more measures, approved by the electors at the same election, conflict, the provision or

provisions of the measure receiving the highest affirmative vote shall prevail. Until otherwise provided by law, all measures submitted to a vote of the electors, under the provisions of this section, shall be printed, and together with arguments for and against each such measure by the proponents and opponents thereof, shall be mailed to each elector in the same manner as now provided by law as to amendments to the Constitution, proposed by the Legislature; and the persons to prepare and present such arguments shall, until otherwise provided by law, be selected by the presiding officer of the Senate.

If for any reason any initiative or referendum measure, proposed by petition as herein provided, be not submitted at the election specified in this section, such failure shall not prevent its submission at a succeeding general election, and no law or amendment to the Constitution, proposed by the Legislature, shall be submitted at any election unless at the same election there shall be submitted all measures proposed by petition of the electors, if any be so proposed, as herein provided.

Any initiative or referendum petition may be presented in sections, but each section shall contain a full and correct copy of the title and text of the proposed measure. Each signer shall add to his signature his place of residence, giving the street and number if such exist. His election precinct shall also appear on the paper after his name. The number of signatures attached to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit said signatures within the county or city and county of which he is an elector. Each section of the petition shall bear the name of the county or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same, stating his own qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be, and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer oaths. Such petitions so verified shall be prima facie evidence that the signatures thereon are genuine and that the persons signing the same are qualified electors. Unless and until it be otherwise proven

upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of qualified electors.

Each section of the petition shall be filed with the clerk or registrar of voters of the county or city and county in which it was circulated, but all said sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the filing of such petition in his office the said clerk, or registrar of voters, shall determine from the records of registration what number of qualified electors have signed the same, and if necessary the board of supervisors shall allow said clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to said petition, except the signatures thereto appended, his certificate, properly dated, showing the result of said examination and shall forthwith transmit said petition, together with his said certificate, to the Secretary of State and also file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar to the Secretary of State, a supplemental petition identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof, as of the original petition, and upon the completion of such examination shall forthwith attach to said petition his certificate, properly dated, showing the result of said examination, and shall forthwith transmit a copy of said supplemental petition, except the signatures thereto appended, together with his certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks or registrars of voters a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State his certificate showing such fact. A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing said petition to be signed by the requisite number of electors of the State. Any county clerk or registrar of voters shall, upon receipt of such copy, file the same for record in his office. The

duties herein imposed upon the clerk or registrar of voters shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The initiative and referendum powers of the people are hereby further reserved to the electors of each county, city and county, city and town of the State, to be exercised under such procedure as may be provided by law. Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising the initiative and referendum powers herein reserved to such counties, cities and counties, cities and towns, but shall not require more than fifteen per cent of the electors thereof to propose any initiative measure nor more than ten per cent of the electors thereof to order the referendum. Nothing contained in this section shall be construed as affecting or limiting the present or future powers of cities or cities and counties having charters adopted under the provisions of section eight of article eleven of this Constitution. In the submission to the electors of any measure under this section, all officers shall be guided by the general laws of this State, except as is herein otherwise provided. This section is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting either the provisions of this section or the powers herein reserved. [*Amendment adopted October 10, 1911*]

164 Cal. 325; 167 Cal. 236; 9 Cal. App. 159; 22 Cal. App. 249, 250, 483; 48 Cal. Dec. 490, 491.

Original text.—SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California; and the enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows." [Constitution of 1849, Art. IV, § 1]

56 Cal. 100; 63 Cal. 21; 72 Cal. 466; 79 Cal. 176; 92 Cal. 296, 307; 96 Cal. 291; 119 Cal. 428; 145 Cal. 686; 151 Cal. 803; 152 Cal. 236, 237; 166 Cal. 605.

Time and duration of sessions of Legislature.

SEC. 2. The sessions of the Legislature shall be biennial, unless the Governor shall, in the interim, convene the Legislature, by proclamation, in extraordinary session. All sessions, other than extraordinary, shall commence at twelve o'clock M., on the first Monday after the first day of January next succeeding the election of its members, and shall continue in session

for a period not exceeding thirty days thereafter; whereupon a recess of both houses must be taken for not less than thirty days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembling. [*Amendment adopted October 10, 1911*]

Amendment of 1908.—SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No bill shall be introduced in either house forty days after the commencement of each session without the consent of three fourths of the members thereof. [*Adopted November 3, 1908*]

Original text.—SEC. 2. The sessions of the Legislature shall commence at twelve o'clock M. on the first Monday after the first day of January next succeeding the election of its members, and after the election held in the year eighteen hundred and eighty shall be biennial, unless the Governor shall, in the interim, convene the Legislature by proclamation. No pay shall be allowed to members for a longer term than sixty days, except for the first session after the adoption of this Constitution, for which they may be allowed pay for one hundred days. And no bill shall be introduced in either house after the expiration of ninety days from the commencement of the first session, nor after fifty days after the commencement of each succeeding session, without the consent of two thirds of the members thereof. [Constitution of 1849, Art. IV, § 2]

56 Cal. 101; 96 Cal. 291; 114 Cal. 114; 130 Cal. 88; 146 Cal. 607.

Election of members of Assembly.

SEC. 3. Members of the Assembly shall be elected in the year eighteen hundred and seventy-nine, at the time and in the manner now provided by law. The second election of members of the Assembly, after the adoption of this Constitution, shall be on the first Tuesday after the first Monday in November, eighteen hundred and eighty. Thereafter members of the Assembly shall be chosen biennially, and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise ordered by the Legislature. [Constitution of 1849, Art. IV, § 3]

55 Cal. 622; 56 Cal. 100; 58 Cal. 560; 96 Cal. 291; 114 Cal. 169.

Term of Senators—Qualifications of members of Legislature.

SEC. 4. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly, and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State three years, and of the district for which he shall be chosen one year, next before his election. [Constitution of 1849, Art. IV, §§ 4, 5]

55 Cal. 622; 56 Cal. 100; 96 Cal. 264, 291.

Number of Senators and Assemblymen.

SEC. 5. The Senate shall consist of forty members, and the Assembly of eighty members, to be elected by districts, numbered as hereinafter provided. The seats of the twenty Senators elected in the year eighteen hundred and eighty-two from the odd-numbered districts shall be vacated at the expiration of the second year, so that one half of the Senators shall be elected every two years; *provided*, that all the Senators elected at the first election under this Constitution shall hold office for the term of three years. [Constitution of 1849, Art. IV, § 6]

65 Cal. 578; 96 Cal. 291, 296.

Senatorial and Assembly districts.

SEC. 6. For the purpose of choosing members of the Legislature, the State shall be divided into forty senatorial and eighty assembly districts, as nearly equal in population as may be, and composed of contiguous territory, to be called senatorial and assembly districts. Each senatorial district shall choose one Senator, and each assembly district shall choose one Member of Assembly. The senatorial districts shall be numbered from one to forty, inclusive, in numerical order, and the assembly districts shall be numbered from one to eighty in the same order, commencing at the northern boundary of the State and ending at the southern boundary thereof. In the formation of such districts no county, or city and county, shall be divided, unless it contains sufficient population within itself to form two or more districts, nor shall a part of any county, or of any city and county, be united with any other county, or city and county, in forming any district. The census taken under the direction of the Congress of the United States in the year one thousand eight hundred and eighty, and every ten years thereafter, shall be the basis of fixing and adjusting the legislative districts; and the Legislature shall, at its first session after each

census, adjust such districts and reapportion the representation so as to preserve them as near equal in population as may be. But in making such adjustment no persons who are not eligible to become citizens of the United States, under the naturalization laws, shall be counted as forming a part of the population of any district. Until such districting as herein provided for shall be made, Senators and Assemblymen shall be elected by the districts according to the apportionment now provided for by law. [Constitution of 1849, Art. I, § 14; Art. IV, §§ 28, 29; Schedule, § 14]

65 Cal. 579, 580; 96 Cal. 290, 291, 293, 296; 152 Cal. 235, 236, 237.

Choice of officers—Qualifications of members.

SEC. 7. Each house shall choose its officers, and judge of the qualifications, elections, and returns of its members. [Constitution of 1849, Art. IV, § 8]

82 Cal. 239, 240, 244; 156 Cal. 474; 164 Cal. 57.

Quorum—Compelling attendance.

SEC. 8. A majority of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide. [Constitution of 1849, Art. IV, § 9]

Each house determines procedure—Expulsion.

SEC. 9. Each house shall determine the rule of its proceeding, and may, with the concurrence of two thirds of all the members elected, expel a member. [Constitution of 1849, Art. IV, § 10]

146 Cal. 606, 610.

Journal.

SEC. 10. Each house shall keep a journal of its proceedings, and publish the same; and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal. [Constitution of 1849, Art. IV, § 11]

69 Cal. 493, 495, 512; 80 Cal. 213; 160 Cal. 760.

Privilege of members.

SEC. 11. Members of the Legislature shall, in all cases, except treason, felony, and breach of the peace, be privileged

from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session. [Constitution of 1849, Art. IV, § 12]

Filling vacancies.

SEC. 12. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies. [Constitution of 1849, Art. IV, § 13]

Open sessions.

SEC. 13. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy. [Constitution of 1849, Art. IV, § 14]

Adjournment for more than three days.

SEC. 14. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which they may be sitting. Nor shall the members of either house draw pay for any recess or adjournment for a longer time than three days. [Constitution of 1849, Art. IV, § 15]

Passage of bills.

SEC. 15. No law shall be passed except by bill. Nor shall any bill be put upon its final passage until the same, with the amendments thereto, shall have been printed for the use of the members; nor shall any bill become a law unless the same be read on three several days in each house, unless, in case of urgency, two thirds of the house where such bill may be pending, shall, by a vote of yeas and nays, dispense with this provision. Any bill may originate in either house, but may be amended or rejected by the other; and on the final passage of all bills they shall be read at length, and the vote shall be by yeas and nays upon each bill separately, and shall be entered on the journal, and no bill shall become a law without the concurrence of a majority of the members elected to each house. [Constitution of 1849, Art. IV, § 16]

54 Cal. 111, 112; 67 Cal. 630, 631; 69 Cal. 512, 513; 72 Cal. 467; 79 Cal. 173; 80 Cal. 215; 85 Cal. 336, 337, 341, 342; 86 Cal. 50; 100 Cal. 419, 421; 114 Cal. 584; 121 Cal. 267; 145 Cal. 688; 158 Cal. 84; 23 Cal. App. 581.

Bills to be presented to Governor—Veto—Procedure.

SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If after such reconsideration, it again pass both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevents such return, in which case it shall not become a law, unless the Governor, within thirty days after such adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriation so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. [*Amendment adopted November 3, 1908*]

Original text.—SEC. 16. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which shall enter such objections upon the journal and proceed to reconsider it. If, after such reconsideration, it again passes both houses, by yeas and nays, two thirds of the members elected to each house voting therefor, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted), the same shall become a law in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return, in which case it shall not become a law, unless the Governor, within ten days after such

adjournment (Sundays excepted), shall sign and deposit the same in the office of the Secretary of State, in which case it shall become a law in like manner as if it had been signed by him before adjournment. If any bill presented to the Governor contains several items of appropriation of money, he may object to one or more items, while approving other portions of the bill. In such case he shall append to the bill, at the time of signing it, a statement of the items to which he objects, and the reasons therefor, and the appropriations so objected to shall not take effect unless passed over the Governor's veto, as hereinbefore provided. If the Legislature be in session, the Governor shall transmit to the house in which the bill originated a copy of such statement, and the items so objected to shall be separately reconsidered in the same manner as bills which have been disapproved by the Governor. [Constitution of 1849, Art. IV, § 17]

66 Cal. 634; 69 Cal. 512, 513; 72 Cal. 467; 80 Cal. 213; 83 Cal. 494; 85 Cal. 337, 341; 86 Cal. 50; 121 Cal. 267; 148 Cal. 77; 156 Cal. 501, 503; 160 Cal. 760, 762, 763.

Impeachment.

SEC. 17. The Assembly shall have the sole power of impeachment, and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members elected. [Constitution of 1849, Art. IV, § 18]

Who may be Impeached—Other officers.

SEC. 18. The Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, Chief Justice and Associate Justices of the Supreme Court, Judges of the District Court of Appeal, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office, and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall nevertheless be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Chief Justice and Associate Justices of the Supreme Court, and Judges of the Superior Courts, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, neverthe-

less, be liable to indictment, trial, and punishment, according to law. All other civil officers shall be tried for misdemeanor in office in such manner as the Legislature may provide. [Constitution of 1849, Art. IV, § 19]

85 Cal. 645; 108 Cal. 662; 118 Cal. 483; 122 Cal. 293, 294; 145 Cal. 37; 147 Cal. 533; 154 Cal. 281; 161 Cal. 174; 48 Cal. Dec. 365.

Senators and Assemblymen ineligible to certain offices.

SEC. 19. No Senator or Member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which have been increased, during such term, except such offices as may be filled by election by the people. [Constitution of 1849, Art. IV, § 20]

53 Cal. 662.

Federal officers ineligible to State office—Exceptions.

SEC. 20. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia who receive no annual salary, local officers, or postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed to hold lucrative offices. [Constitution of 1849, Art. IV, § 21]

61 Cal. 267; 73 Cal. 231, 235; 154 Cal. 281; 2 Cal. App. 55.

Embezzler of public funds ineligible to office.

SEC. 21. No person convicted of the embezzlement or defalcation of the public funds of the United States, or of any state, or of any county or municipality therein, shall ever be eligible to any office of honor, trust, or profit under this State, and the Legislature shall provide, by law, for the punishment of embezzlement or defalcation as a felony. [Constitution of 1849, Art. IV, § 22]

136 Cal. 445; 154 Cal. 281.

Public money to be drawn only on warrant—No State aid for private institutions—Panama-Pacific International Exposition.

SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the state treasury for the pur-

pose or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a state institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to the institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule and proportioned to the number of inmates of such respective institutions; *provided, further*, that the State shall have at any time the right to inquire into the management of such institution; *provided, further*, that whenever any county, or city and county, or city, or town, shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature; *provided, however*, that for the purpose of raising five million dollars ($5,000,000), to be used in establishing, maintaining, and supporting in the city and county of San Francisco, State of California, an exposition in commemoration of the completion of the Panama canal, to be known as the Panama-Pacific International Exposition, the State Board of Equalization shall, for the fiscal year beginning July 1, 1911, and for each fiscal year thereafter, to and including the fiscal year beginning July 1, 1914, fix, establish, and levy such an ad valorem rate of taxation, as when levied upon all the taxable property in the State, after making due allowance for delinquency, shall produce for each of such fiscal years a sum of one million two hundred and fifty thousand dollars ($1,250,000). The said taxes shall be levied, assessed, and collected upon every kind and character of property in the State of California not exempt from taxation under the law, and subject to taxation on the first day of July, 1910, and in the same manner, and by the same method, as other State taxes were levied, assessed, and collected under the law, as the same existed on the first day of July, 1910. The State Board of Equalization shall each year, at the time it determines the amount of revenue required for

other State purposes, determine, fix, and include the rate of tax necessary to raise the revenue herein provided for.

There is hereby created in the State treasury a fund to be known as the Panama-Pacific International Exposition fund, and all moneys collected pursuant to this provision, after deducting the proportionate share of the expense for the collection of the same, shall be paid into the State treasury, and credited to such fund. All moneys so paid into such fund are hereby appropriated, without reference to fiscal years, for the use, establishment, maintenance, and support of said Panama-Pacific International Exposition. No tax, license fee, or charge of any kind or character shall ever be levied or assessed or charged against any property of said Panama-Pacific International Exposition, or against any property used as exhibit therein, while being used or exhibited in connection therewith.

There is hereby created a commission to be known as the Panama-Pacific International Exposition Commission of the State of California, which shall consist of the Governor of said State and four other members to be appointed by the Governor, by and with the advice and consent of the Senate of said State. The Governor shall have the power to fill all vacancies occurring at any time in said commission. The members of said commission shall receive no compensation and shall hold office until such exposition shall have been closed and its affairs settled. Said four members of said commission shall be selected from different sections of the State, and the appointment thereof shall be made by the Governor of the State during the month of February, 1911. The commission hereby created shall have the exclusive charge and control of all moneys paid into the Panama-Pacific International Exposition fund; *and provided, further,* that the Legislature shall pass all laws necessary to carry out the provisions of this act, including the times and the manner in which and the terms and conditions upon which moneys shall be drawn from the State treasury by said commission; where contracts and vouchers shall be filed; to whom and how often reports shall be made; what disposition shall be made of any sum left unexpended or received from the sale of any property or buildings purchased or constructed by said commission for the use of said exposition, or of any disposition of any building or improvement constructed by said commission out of said fund, and to provide for the transfer to the general fund of the State

of California of any portion of said Panama-Pacific International Exposition fund unused.

The commission herein created is authorized and directed to make such proper contracts with the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California on the 22d day of March, 1910, as will entitle the State of California to share proportionately with the contributors to the said Panama-Pacific International Exposition in the returns from the holding of said exposition at the city and county of San Francisco. [*Amendment adopted November 8, 1910*]

Original text.—SEC. 22. No money shall be drawn from the treasury but in consequence of appropriations made by law, and upon warrants duly drawn thereon by the Controller; and no money shall ever be appropriated or drawn from the State treasury for the use or benefit of any corporation, association, asylum, hospital, or any other institution not under the exclusive management and control of the State as a State institution, nor shall any grant or donation of property ever be made thereto by the State; *provided*, that notwithstanding anything contained in this or any other section of this Constitution, the Legislature shall have the power to grant aid to institutions conducted for the support and maintenance of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances—such aid to be granted by a uniform rule, and proportioned to the number of inmates of such respective institutions; *provided further*, that the State shall have at any time the right to inquire into the management of such institution; *provided further*, that whenever any county, or city and county, or city, or town shall provide for the support of minor orphans, or half-orphans, or abandoned children, or aged persons in indigent circumstances, such county, city and county, city, or town shall be entitled to receive the same pro rata appropriations as may be granted to such institutions under church or other control. An accurate statement of the receipts and expenditures of public moneys shall be attached to and published with the laws at every regular session of the Legislature. [Constitution of 1849, Art. IV, § 23]

61 Cal. 267; 69 Cal. 73, 74, 77; 71 Cal. 630, 631; 77 Cal. 133, 134; 80 Cal. 221; 84 Cal. 58; 92 Cal. 55; 106 Cal. 116, 119; 114 Cal. 395; 121 Cal. 19; 123 Cal. 151; 126 Cal. 118; 139 Cal. 400; 144 Cal. 684; 151 Cal. 800; 154 Cal. 129; 156 Cal. 504; 8 Cal. App. 531, 534; 19 Cal. App. 570, 574; 48 Cal. Dec. 48, 50; 19 Cal. App. Dec. 455, 459.

Compensation of members of Legislature—Legislative expenses limited.

SEC. 23. The members of the Legislature shall receive for their services the sum of one thousand dollars each for each

regular session, to be paid at such times during the session as may be provided by law, and the sum of ten dollars each for each day while in attendance at a special or extraordinary session, for a number of days not exceeding thirty; and mileage to be fixed by law, all paid out of the state treasury; such mileage shall not exceed ten cents per mile; and each member shall be allowed contingent expenses not exceeding twenty-five dollars per member for each regular biennial session. The Legislature may also provide for additional help; but in no case shall the total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. [*Amendment adopted November 3, 1908*]

15 Cal. App. 302, 303, holding that work done after adjournment by "officers, employees and attaches" must be paid for out of the sum above limited multiplied by the number of days of the session.

Original text.—SEC. 23. The members of the Legislature shall receive for their services a per diem and mileage, to be fixed by law, and paid out of the public treasury; such per diem shall not exceed eight dollars, and such mileage shall not exceed ten cents per mile, and for contingent expenses not exceeding twenty-five dollars for each session. No increase in compensation or mileage shall take effect during the term for which the members of either house shall have been elected, and the pay of no attaché shall be increased after he is elected or appointed. [Constitution of 1849, Art. IV, § 24; Schedule, § 15]

SEC. 23*a*. The Legislature may also provide for the employment of help; but in no case shall the total expense for officers, employees and attaches exceed the sum of five hundred dollars per day for either house, at any regular or biennial session, nor the sum of two hundred dollars per day for either house at any special or extraordinary session, nor shall the pay of any officer, employee or attache be increased after he is elected or appointed. [*New section adopted November 3, 1908*]

Act to deal with one subject only—Title—Amendment—English language.

SEC. 24. Every act shall embrace but one subject, which subject shall be expressed in its title. But if any subject shall be embraced in an act which shall not be expressed in its title, such act shall be void only as to so much thereof as shall not be expressed in its title. No law shall be revised or amended by

reference to its title; but in such case the act revised or section amended shall be reenacted and published at length as revised or amended; and all laws of the State of California, and all official writings, and the executive, legislative, and judicial proceedings, shall be conducted, preserved, and published in no other than the English language. [Constitution of 1849, Art. IV, § 25, Art. XI, § 21]

54 Cal. 574; 55 Cal. 492–6; 56 Cal. 1; 57 Cal. 106, 613; 58 Cal. 565, 624, 635, 638; 59 Cal. 554; 60 Cal. 14, 30; 62 Cal. 601; 65 Cal. 122; 74 Cal. 41, 552; 80 Cal. 270; 84 Cal. 228; 86 Cal. 43; 88 Cal. 534; 92 Cal. 503, 651; 93 Cal. 635; 97 Cal. 604; 100 Cal. 105, 120; 102 Cal. 31, 418; 103 Cal. 78; 109 Cal. 490; 111 Cal. 555; 112 Cal. 421; 114 Cal. 136, 149, 150; 117 Cal. 86; 120 Cal. 373; 122 Cal. 79; 123 Cal. 25; 125 Cal. 414; 128 Cal. 668; 129 Cal. 570, 606; 130 Cal. 91, 446; 132 Cal. 219; 133 Cal. 76; 134 Cal. 291; 135 Cal. 652; 139 Cal. 463; 140 Cal. 487; 141 Cal. 334, 428; 142 Cal. 13; 143 Cal. 258, 627; 144 Cal. 344, 387; 146 Cal. 650; 150 Cal. 326; 151 Cal. 50; 154 Cal. 202, 388, 389; 155 Cal. 113, 384, 658; 157 Cal. 58, 75; 159 Cal. 511; 161 Cal. 348; 162 Cal. 202, 232, 691; 164 Cal. 567; 165 Cal. 210, 211, 344, 747; 167 Cal. 293; 1 Cal. App. 64, 65; 2 Cal. App. 252; 11 Cal. App. 306; 12 Cal. App. 29; 18 Cal. App. 27, 61; 19 Cal. App. 602, 606; 20 Cal. App. 154, 515; 22 Cal. App. 27, 431; 24 Cal. App. 46; 19 Cal. App. Dec. 66, 67, 665.

Local or special laws prohibited, when.

SEC. 25. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say:

First—Regulating the jurisdiction and duties of Justices of the Peace, Police Judges, and of Constables.

62 Cal. 465; 114 Cal. 334; 120 Cal. 401; 121 Cal. 267; 11 Cal. App. 361.

Second—For the punishment of crimes and misdemeanors.

55 Cal. 551; 60 Cal. 81, 189; 62 Cal. 465; 67 Cal. 360, 361; 112 Cal. 471; 120 Cal. 304; 149 Cal. 399; 157 Cal. 55; 1 Cal. App. 149, 199; 19 Cal. App. Dec. 66, 67.

Third—Regulating the practice of courts of justice.

62 Cal. 465; 64 Cal. 465; 72 Cal. 14; 83 Cal. 396, 402, 403, 412; 93 Cal. 424; 100 Cal. 120; 105 Cal. 616; 113 Cal. 512; 117 Cal. 363; 120 Cal. 304; 126 Cal. 230; 127 Cal. 7; 140 Cal. 480; 142 Cal. 195; 150 Cal. 322; 166 Cal. 768; 1 Cal. App. 573; 19 Cal. App. 549; 22 Cal. App. 442; 24 Cal. App. 179, 180; 48 Cal. Dec. 141, 142.

Fourth—Providing for changing the venue in civil or criminal actions.

62 Cal. 465; 167 Cal. 768.

Fifth—Granting divorces.

154 Cal. 336.

Sixth—Changing the names of persons or places.

123 Cal. 527.

Seventh—Authorizing the laying out, opening, altering, maintaining or vacating roads, highways, streets, alleys, town plots, parks, cemeteries, graveyards, or public grounds not owned by the State.

98 Cal. 441; 114 Cal. 146.

Eighth—Summoning and impaneling grand and petit juries, and providing for their compensation.

Ninth—Regulating county and township business, or the election of county and township officers.

55 Cal. 622; 62 Cal. 571; 65 Cal. 123; 84 Cal. 76; 94 Cal. 620; 98 Cal. 224; 109 Cal. 335; 111 Cal. 102; 113 Cal. 646; 114 Cal. 410; 118 Cal. 306; 148 Cal. 748; 162 Cal. 590; 164 Cal. 326.

Tenth—For the assessment or collection of taxes.

60 Cal. 28, 31; 83 Cal. 396, 402, 406; 105 Cal. 583; 111 Cal. 564, 569; 119 Cal. 521; 124 Cal. 698; 135 Cal. 518; 137 Cal. 518; 167 Cal. 291.

Eleventh—Providing for conducting elections or designating the places of voting, except on the organization of new counties.

55 Cal. 622; 81 Cal. 501; 100 Cal. 425; 111 Cal. 102, 371, 372; 124 Cal. 698; 152 Cal. 231.

Twelfth—Affecting estates of deceased persons, minors, or other persons under legal disabilities.

Thirteenth—Extending the time for the collection of taxes.

83 Cal. 402.

Fourteenth—Giving effect to invalid deed, wills, or other instruments.

150 Cal. 566; 151 Cal. 478.

Fifteenth—Refunding money paid into the state treasury.

126 Cal. 117.

Sixteenth—Releasing or extinguishing, in whole or in part, the indebtedness, liability, or obligation of any corporation or person to this State, or to any municipal corporation therein.

126 Cal. 117.

Seventeenth—Declaring any person of age, or authorizing any minor to sell, lease, or incumber his or her property.

Eighteenth—Legalizing, except as against the State, the unauthorized or invalid act of any officer.

150 Cal. 566; 151 Cal. 478.

Nineteenth—Granting to any corporation, association, or individual any special or exclusive right, privilege, or immunity.

100 Cal. 120; 114 Cal. 496; 118 Cal. 306; 124 Cal. 698; 143 Cal. 414; 154 Cal. 330; 155 Cal. 381; 8 Cal. App. 535; 18 Cal. App. 25.

Twentieth—Exempting property from taxation.

83 Cal. 402; 137 Cal. 518; 164 Cal. 400.

Twenty-first—Changing county seats.

55 Cal. 495.

Twenty-second—Restoring to citizenship persons convicted of infamous crimes.

Twenty-third—Regulating the rate of interest on money.

67 Cal. 360.

Twenty-fourth—Authorizing the creation, extension, or impairing of liens.

83 Cal. 402; 127 Cal. 7.

Twenty-fifth—Chartering or licensing ferries, bridges, or roads.

114 Cal. 496; 161 Cal. 674.

Twenty-sixth—Remitting fines, penalties, or forfeitures.

Twenty-seventh—Providing for the management of common schools.

55 Cal. 402, 490, 494, 495; 104 Cal. 351; 124 Cal. 698; 148 Cal. 384, 389.

Twenty-eighth—Creating offices, or prescribing the powers and duties of officers in counties, cities, cities and counties, township, election or school districts.

62 Cal. 465; 65 Cal. 123, 291; 85 Cal. 413, 414, 416, 417; 95 Cal. 149; 98 Cal. 224; 111 Cal. 102; 113 Cal. 646; 114 Cal. 410; 118 Cal. 305, 306; 124 Cal. 698; 125 Cal. 192; 132 Cal. 221; 152 Cal. 231; 164 Cal. 326; 19 Cal. App. Dec. 580.

Twenty-ninth—Affecting the fees or salary of any officer.

62 Cal. 465; 64 Cal. 164; 65 Cal. 123; 68 Cal. 145, 146; 76 Cal. 445; 85 Cal. 596; 89 Cal. 523; 92 Cal. 606; 103 Cal. 395; 104 Cal. 644, 649; 111 Cal. 569; 113 Cal. 645; 115 Cal. 549; 118 Cal. 306; 126 Cal. 37; 129 Cal. 612; 144 Cal. 269; 164 Cal. 326.

Thirtieth—Changing the law of descent or succession.

Thirty-first—Authorizing the adoption or legitimation of children.

Thirty-second—For limitation of civil or criminal actions.

Thirty-third—In all other cases where a general law can be made applicable.

55 Cal. 490, 491, 495; 81 Cal. 498; 84 Cal. 76; 91 Cal. 249; 94 Cal. 620; 100 Cal. 120; 109 Cal. 497; 111 Cal. 371, 372, 569; 112 Cal. 471; 114 Cal. 410; 117 Cal. 363; 118 Cal. 306, 404; 119 Cal. 523; 124 Cal. 698; 126 Cal. 230; 127 Cal. 7, 684; 130 Cal. 134; 132 Cal. 221; 140 Cal. 487; 144 Cal. 269; 148 Cal. 748; 149 Cal. 399; 150 Cal. 322; 152 Cal. 231; 160 Cal. 302; 1 Cal. App. 573; 6 Cal. App. 240; 8 Cal. App. 533, 542; 19 Cal. App. 549; 48 Cal. Dec. 141, 142.

General.

55 Cal. 490, 493, 552, 618; 57 Cal. 613; 58 Cal. 576; 59 Cal. 8; 60 Cal. 32, 189, 191; 61 Cal. 38, 267; 63 Cal. 382; 65 Cal. 123, 290; 67 Cal. 211, 360, 595; 72 Cal. 466; 73 Cal. 77; 81 Cal. 499; 83 Cal. 402, 405, 414; 84 Cal. 229; 85 Cal. 413; 87 Cal. 79; 91 Cal. 249; 93 Cal. 396, 400; 94 Cal. 620, 624; 98 Cal. 224; 103 Cal. 395; 104 Cal. 351, 644; 105 Cal. 616; 109 Cal. 335; 110 Cal. 31; 111 Cal. 102, 105, 569; 112 Cal. 471; 113 Cal. 514, 645; 114 Cal. 334, 410; 120 Cal. 401; 121 Cal. 262, 267; 122 Cal. 148, 556; 123 Cal. 25, 527, 528; 124 Cal. 696, 698; 126 Cal. 117, 122, 123, 230; 127 Cal. 7; 132 Cal. 221; 135 Cal. 471, 518; 137 Cal. 518, 520; 138 Cal. 381; 139 Cal. 541; 140 Cal. 480; 142 Cal. 195; 143 Cal. 414; 144 Cal. 269; 156 Cal. 74; 162 Cal. 691; 1 Cal. App. 573; 11 Cal. App. 407; 12 Cal. App. 292; 17 Cal. App. 425; 19 Cal. App. 602, 610; 20 Cal. App. 516.

Fish and game districts.

SEC. 25½. The Legislature may provide for the division of the State into fish and game districts, and may enact such laws for the protection of fish and game therein as it may deem appropriate to the respective districts. [*New section adopted November 4, 1902*]

12 Cal. App. 291; 24 Cal. App. 341, 342; 19 Cal. App. Dec. 65, 67.

Lotteries and bucketing prohibited.

SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to prohibit the fictitious buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange or stock market under the control of any corporation or association. All contracts for the purchase or sale of shares of the capital stock of any corporation or association without any intention on the part of one party to deliver and of the other party to receive the shares, and contemplating merely the payment of differences between the contract and market prices on divers days, shall be void, and neither party to any such contract shall be entitled to recover any damages for failure to perform the same, or any money paid thereon, in any court of this State. [*Amendment adopted November 3, 1908*]

Original text.—SEC. 26. The Legislature shall have no power to authorize lotteries or gift enterprises for any purpose, and shall pass laws to prohibit the sale in this State of lottery or gift enterprise tickets, or tickets in any scheme in the nature of a lottery. The Legislature shall pass laws to regulate or prohibit the buying and selling of the shares of the capital stock of corporations in any stock board, stock exchange, or stock market under the control of any association. All contracts for the sale of shares of the capital stock of any corporation or association, on margin, or to be delivered at a future day, shall be void, and any money paid on such contracts may be recovered by the party paying it by suit in any court of competent jurisdiction. [Constitution of 1849, Art. IV, § 27]

67 Cal. 93; 68 Cal. 289; 87 Cal. 697; 89 Cal. 378; 103 Cal. 247, 328; 104 Cal. 599; 109 Cal. 692; 119 Cal. 465; 127 Cal. 118; 130 Cal. 326, 331; 146 Cal. 658; 150 Cal. 241.

Formation of Congressional districts.

SEC. 27. When a congressional district shall be composed of two or more counties, it shall not be separated by any county

belonging to another district. No county, or city and county, shall be divided in forming a congressional district so as to attach one portion of a county, or city and county, to another county, or city and county, except in cases where one county, or city and county, has more population than the ratio required for one or more congressmen; but the Legislature may divide any county, or city and county, into as many congressional districts as it may be entitled to by law. Any county, or city and county containing a population greater than the number required for one congressional district, shall be formed into one or more congressional districts, according to the population thereof, and any residue, after forming such district or districts, shall be attached, by compact adjoining assembly districts, to a contiguous county or counties, and form a congressional district. In dividing a county, or city and county, into congressional districts, no assembly district shall be divided so as to form a part of more than one congressional district, and every such congressional district shall be composed of compact contiguous assembly districts. [Constitution of 1849, Art. IV, § 30]

Voting in elections by Legislature.

SEC. 28. In all elections by the Legislature the members thereof shall vote *viva voce*, and the vote shall be entered on the journal. [Constitution of 1849, Art. IV, § 38]

69 Cal. 512; 80 Cal. 213.

General appropriation bill, what may contain.

SEC. 29. The general appropriation bill shall contain no item or items of appropriation other than such as are required to pay the salaries of the state officers, the expenses of the government, and of the institutions under the exclusive control and management of the State.

61 Cal. 267; 64 Cal. 165; 80 Cal. 222; 115 Cal. 532, 549; 151 Cal. 800; 156 Cal. 504.

Public aid for sectarian purposes prohibited.

SEC. 30. Neither the Legislature, nor any county, city and county, township, school district, or other municipal corporation, shall ever make an appropriation, or pay from any public fund whatever, or grant anything to or in aid of any religious sect, church, creed, or sectarian purpose, or help to support or sustain any school, college, university, hospital, or other institution controlled by any religious creed, church, or sectarian denomination whatever; nor shall any grant or donation of personal property

or real estate ever be made by the State, or any city, city and county, town, or other municipal corporation, for any religious creed, church, or sectarian purpose, whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article.

115 Cal. 532, 533; 156 Cal. 504.

Lending public credit prohibited.

SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof, in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value to any individual, municipal or other corporation whatever; *provided*, that nothing in this section (shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation) shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever; *provided, further*, that irrigation districts for the purpose of acquiring the control of any entire international water system necessary for its use and purposes, a part of which is situated in the United States, and a part thereof in a foreign country, may in the manner authorized by law, acquire the stock of any foreign corporation which is the owner of, or which holds the title to the part of such system situated in a foreign country. [*Amendment adopted November 3, 1914*]

Note—The repetition of the words indicated by parentheses in the above section occurred in the resolution by which the amendment of the above section was proposed to the people. As no change could be made thereafter the section was voted on and adopted in the above form.

Original text.—SEC. 31. The Legislature shall have no power to give or to lend, or to authorize the giving or lending, of the credit of the State, or of any county, city and county, city, township, or other political corporation or subdivision of the State now existing, or that may be hereafter established, in aid of

or to any person, association, or corporation, whether municipal or otherwise, or to pledge the credit thereof in any manner whatever, for the payment of the liabilities of any individual, association, municipal or other corporation whatever; nor shall it have power to make any gift, or authorize the making of any gift, of any public money or thing of value, to any individual, municipal or other corporation whatever; *provided*, that nothing in this section shall prevent the Legislature granting aid pursuant to section twenty-two of this article; and it shall not have power to authorize the State, or any political subdivision thereof, to subscribe for stock, or to become a stockholder in any corporation whatever.

61 Cal. 43; 72 Cal. 473, 474, 475; 73 Cal. 39; 74 Cal. 125; 77 Cal. 371, 475; 83 Cal. 265; 91 Cal. 651; 92 Cal. 606; 93 Cal. 326, 329; 95 Cal. 150; 97 Cal. 252; 99 Cal. 21; 104 Cal. 690, 693; 106 Cal. 124; 109 Cal. 380, 580; 112 Cal. 315; 114 Cal. 404; 115 Cal. 532, 533; 117 Cal. 168; 118 Cal. 546; 119 Cal. 114; 123 Cal. 498; 126 Cal. 118; 138 Cal. 273; 143 Cal. 331; 144 Cal. 692, 694; 149 Cal. 528; 151 Cal. 800; 152 Cal. 735; 153 Cal. 225, 228; 154 Cal. 129; 156 Cal. 475, 504; 157 Cal. 527; 6 Cal. App. 747; 8 Cal. App. 535, 537; 15 Cal. App. 303; 22 Cal. App. 255; 48 Cal. Dec. 410.

Extra compensation for past services prohibited.

SEC. 32. The Legislature shall have no power to grant, or authorize any county or municipal authority to grant, any extra compensation or allowance to any public officer, agent, servant, or contractor, after service has been rendered, or a contract has been entered into and performed, in whole or in part, nor to pay, or to authorize the payment of, any claim hereafter created against the State, or any county or municipality of the State, under any agreement or contract made without express authority of law; and all such unauthorized agreements or contracts shall be null and void.

64 Cal. 164; 72 Cal. 462, 471, 473, 474, 475; 74 Cal. 125; 77 Cal. 475; 80 Cal. 266, 270; 91 Cal. 649; 92 Cal. 606; 93 Cal. 326; 104 Cal. 644; 114 Cal. 578, 580, 584; 115 Cal 532, 533; 121 Cal. 21; 123 Cal. 498; 138 Cal. 275; 156 Cal. 504, 505.

Regulation of charges of public service corporations.

SEC. 33. The Legislature shall pass laws for the regulation and limitation of the charges for services performed and commodities furnished by telegraph and gas corporations, and the charges by corporations or individuals for storage and wharfage.

in which there is a public use; and where laws shall provide for the selection of any person or officer to regulate and limit such rates, no such person or officer shall be selected by any corporation or individual interested in the business to be regulated, and no person shall be selected who is an officer or stockholder in any such corporation.

145 Cal. 633–636.

Special appropriation bill restricted to one item.

SEC. 34. No bill making an appropriation of money, except the general appropriation bill, shall contain more than one item of appropriation, and that for one single and certain purpose, to be therein expressed. [Constitution of 1849. Art. I, § 22]

80 Cal. 211, 214, 222; 94 Cal. 435; 145 Cal. 771; 156 Cal. 504.

Lobbying a felony.

SEC. 35. Any person who seeks to influence the vote of a member of the Legislature by bribery, promise of reward, intimidation, or any other dishonest means, shall be guilty of lobbying, which is hereby declared a felony; and it shall be the duty of the Legislature to provide, by law, for the punishment of this crime. Any member of the Legislature who shall be influenced, in his vote or action upon any matter pending before the Legislature, by any reward, or promise of future reward, shall be deemed guilty of a felony, and upon conviction thereof, in addition to such punishment as may be provided by law, shall be disfranchised and forever disqualified from holding any office or public trust. Any person may be compelled to testify in any lawful investigation or judicial proceeding against any person who may be charged with having committed the offense of bribery or corrupt solicitation, or with having been influenced in his vote or action, as a member of the Legislature, by reward, or promise of future reward, and shall not be permitted to withhold his testimony upon the ground that it may criminate himself, or subject him to public infamy; but such testimony shall not afterwards be used against him in any judicial proceeding, except for perjury in giving such testimony.

86 Cal. 542; 146 Cal. 610; 1 Cal. App. 64—66, 550.

State highway system authorized.

SEC. 36. The Legislature shall have power to establish a system of State highways or to declare any road a State highway, and to pass all laws necessary or proper to construct and

maintain the same, and to extend aid for the construction and maintenance in whole or in part of any county highway. [*New section adopted November 4, 1902*]

160 Cal. 581, 587; 167 Cal. 286, 288; 19 Cal. App. Dec. 764.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a Chief Magistrate, who shall be styled the Governor of the State of California. [Constitution of 1849, Art. V, § 1]

61 Cal. 323; 148 Cal. 504.

Election and term of Governor.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Assembly, and shall hold his office four years from and after the first Monday after the first day of January subsequent to his election, and until his successor is elected and qualified. [Constitution of 1849, Art. V, § 2]

56 Cal. 101; 62 Cal. 569; 99 Cal. 45; 114 Cal. 169; 9 Cal. App. 154.

Who eligible.

SEC. 3. No person shall be eligible to the office of Governor who has not been a citizen of the United States and a resident of this State five years next preceding his election and attained the age of twenty-five years at the time of such election. [Constitution of 1849, Art. V, § 3]

Transmission and publication of election returns.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in the presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of such persons so having an equal and the highest number of votes for Governor. [Constitution of 1849, Art. V, § 4]

Governor is commander-in-chief.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State. [Constitution of 1849, Art. V, § 5]

Governor transacts all executive business—May require reports.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information, in writing, from the officers of the executive department upon any subject relating to the duties of their respective offices. [Constitution of 1849, Art. V, § 6]

Responsible for execution of laws.

SEC. 7. He shall see that the laws are faithfully executed. [Constitution of 1849, Art. V, § 7]

148 Cal. 504.

Vacancies filled by Governor.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or the next election by the people. [Constitution of 1849, Art. V, § 8]

3 Cal. 502; 7 Cal. 519; 37 Cal. 614; 49 Cal. 407; 52 Cal. 565, 568; 66 Cal. 655, 656; 67 Cal. 119; 87 Cal. 475; 93 Cal. 155, 156; 110 Cal. 453; 114 Cal. 170, 174; 121 Cal. 546; 123 Cal. 309; 127 Cal. 397; 143 Cal. 417; 9 Cal. App. 154, 159.

Extraordinary sessions of Legislature—Business thereat.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, stating the purposes for which he has convened it, and when so convened it shall have no power to legislate on any subjects other than those specified in the proclamation, but may provide for the expenses of the session, and other matters incidental thereto. [Constitution of 1849, Art. V, § 9]

63 Cal. 334; 130 Cal. 89; 146 Cal. 607.

Governor's message.

SEC. 10. He shall communicate, by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient. [Constitution of 1849, Art. V, § 10]

Adjournment of Legislature by Governor.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature. [Constitution of 1849, Art. V, § 11]

Governor ineligible to other office.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided. [Constitution of 1849, Art. V, § 12]

The great seal.

SEC. 13. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of California." [Constitution of 1849, Art. V, § 14]

Grants and commissions—How signed and sealed.

SEC. 14. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State. [Constitution of 1849, Art. V, § 15]

151 Cal. 240; 156 Cal. 486; 6 Cal. App. 262.

Lieutenant-Governor, election, term, qualifications and duties.

SEC. 15. A Lieutenant-Governor shall be elected at the same time and place, and in the same manner, as the Governor, and his term of office and his qualifications shall be the same. He shall be President of the Senate, but shall only have a casting vote therein. [*Amendment adopted November 8, 1898*]

Original text.—SEC. 15. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner, as the Governor, and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall have only a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy be filled or the disability shall cease. The Lieutenant-Governor shall be disqualified from holding any other office, except as specially provided in this Constitution, during the term for which he shall have been elected. [Constitution of 1849, Art. V, § 16]

56 Cal. 101; 62 Cal. 569; 114 Cal. 169.

Order of succession to office of Governor.

SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of his office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. And should the Lieutenant-Governor be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor until the vacancy in the office of Governor shall be filled at the next general election when members of the Legislature shall be chosen, or until such disability of the Lieutenant-Governor shall cease. In case of a vacancy in the office of Governor for any of the reasons above named, and neither the Lieutenant-Governor nor the President *pro tempore* of the Senate succeed to the powers and duties of Governor, then the powers and duties of such office shall devolve upon the Speaker of the Assembly, until the office of Governor shall be filled at such general election. [*Amendment adopted November 8, 1898*]

9 Cal. App. 158.

Original text.—SEC. 16. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue Commander-in-Chief of all the military force of the State. [Constitution of 1849, Art. V, § 17]

62 Cal. 569.

Other officers of State.

SEC. 17. A Secretary of State, a Controller, a Treasurer, an Attorney-General, and a Surveyor-General shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor, and their terms of office shall be the same as that of the Governor. [Constitution of 1849, Art. V, § 18]

56 Cal. 101; 9 Cal. App. 154.

Duties of Secretary of State.

SEC. 18. The Secretary of State shall keep a correct record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law. [Constitution of 1849, Art. V, § 19]

Compensation of executive officers.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers, as follows: Governor, ten thousand dollars per annum; Lieutenant-Governor, four thousand dollars, the Secretary of State, Controller, Treasurer, and Surveyor-General, five thousand dollars each per annum, and the Attorney-General, six thousand dollars per annum, such compensation to be in full for all services by them respectively rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however,* that the Legislature may, by law, diminish the compensation of any or all of such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service in any office provided for in this article, exceeding eighteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty. [*Amendment adopted November 3, 1908*]

9 Cal. App. 575.

Original text.—SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, and Surveyor-General shall, at stated times, during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected, which compensation is hereby fixed for the following officers for the two terms next ensuing the adoption of this Constitution, as follows: Governor, six thousand dollars per annum; Lieutenant-Governor, the same per diem as may be provided by law for the Speaker of the Assembly, to be allowed only during the session of the Legislature; the Secretary of State,

Controller, Treasurer, Attorney-General, and Surveyor-General, three thousand dollars each per annum, such compensation to be in full for all services by them, respectively, rendered in any official capacity or employment whatsoever during their respective terms of office; *provided, however*, that the Legislature, after the expiration of the terms hereinbefore mentioned, may by law diminish the compensation of any or all such officers, but in no case shall have the power to increase the same above the sums hereby fixed by this Constitution. No salary shall be authorized by law for clerical service, in any office provided for in this article, exceeding sixteen hundred dollars per annum for each clerk employed. The Legislature may, in its discretion, abolish the office of Surveyor-General; and none of the officers hereinbefore named shall receive for their own use any fees or perquisites for the performance of any official duty. [Constitution of 1849, Art. V, § 21; Schedule § 15]

87 Cal. 396.

Election of United States Senators.

SEC. 20. United States Senators shall be elected by the people of the State in the manner provided by law. [*Amendment adopted November 3, 1914*]

Original text.—SEC. 20. The Governor shall not, during his term of office, be elected a Senator to the Senate of the United States.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts and such inferior courts as the Legislature may establish in any incorporated city or town, township, county, or city and county [*Amendment adopted October 10, 1911*]

Amendment of 1904.—SECTION 1. The judicial power of the State shall be vested in the Senate, sitting as a court of impeachment, in a Supreme Court, District Courts of Appeal, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city or town, or city and county. [*Adopted November 8, 1904*]

Original text.—SECTION 1. The judicial power of the State shall be vested in the Senate sitting as a court of impeachment, in a Supreme Court, Superior Courts, Justices of the Peace, and such inferior courts as the Legislature may establish in any incorporated city, or town, or city and county. [Constitution of 1849, Art. VI, § 1]

54 Cal. 186; 56 Cal. 101; 58 Cal. 560, 575; 61 Cal. 323; 62 Cal. 465; 66 Cal. 4; 69 Cal. 99; 71 Cal. 633; 73 Cal. 507; 78 Cal. 557, 560; 81 Cal. 485, 486; 82 Cal.

344; 83 Cal. 112; 85 Cal. 335, 336, 341, 342; 95 Cal. 42; 97 Cal. 216; 114 Cal. 329, 330; 119 Cal. 232; 120 Cal. 401; 121 Cal. 267; 125 Cal. 324; 126 Cal. 410; 130 Cal. 87; 140 Cal. 12; 143 Cal. 246; 151 Cal. 468; 153 Cal. 165, 166; 155 Cal. 386, 387; 156 Cal. 480; 157 Cal. 419, 421; 158 Cal. 448; 161 Cal. 239; 167 Cal. 312, 317; 3 Cal. App. 645; 6 Cal. App. 739; 11 Cal. App. 361; 24 Cal. App. 394.

Supreme Court—Distribution and conduct of business.

SEC. 2. The Supreme Court shall consist of a Chief Justice and six Associate Justices. The court may sit in departments and in bank, and shall always be open for the transaction of business. There shall be two departments, denominated, respectively, Department One and Department Two. The Chief Justice shall assign three of the Associate Justices to each department, and such assignment may be changed by him from time to time. The Associate Justices shall be competent to sit in either department, and may interchange with each other by agreement among themselves, or as ordered by the Chief Justice. Each of the departments shall have the power to hear and determine causes, and all questions arising therein, subject to the provisions hereinafter contained in relation to the court in bank. The presence of three justices shall be necessary to transact any business in either of the departments, except such as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. The Chief Justice shall apportion the business to the departments, and may, in his discretion, order any cause pending before the court to be heard and decided by the court in bank. The order may be made before or after judgment pronounced by a department; but where a cause has been allotted to one of the departments, and a judgment pronounced thereon, the order must be made within thirty days after such judgment, and concurred in by two Associate Justices, and if so made it shall have the effect to vacate and set aside the judgment. Any four justices may, either before or after judgment by a department, order a case to to heard in bank. If the order be not made within the time above limited, the judgment shall be final. No judgment by a department shall become final until the expiration of the period of thirty days aforesaid, unless approved by the Chief Justice, in writing, with the concurrence of two Associate Justices. The Chief Justice may convene the court in bank at any time, and

shall be the presiding justice of the court when so convened. The concurrence of four justices present at the argument shall be necessary to pronounce a judgment in bank; but if four justices, so present, do not concur in a judgment, then all the justices qualified to sit in the cause shall hear the argument; but to render a judgment a concurrence of four judges shall be necessary. In the determination of causes, all decisions of the court, in bank or in department, shall be given in writing, and the grounds of the decision shall be stated. The Chief Justice may sit in either department, and shall preside when so sitting, but the justices assigned to each department shall select one of their number as presiding justice. In case of the absence of the Chief Justice from the place at which the court is held, or his inability to act, the Associate Justices shall select one of their own number to perform the duties and exercise the powers of the Chief Justice during such absence or inability to act. [Constitution of 1849, Art. VI, § 2]

63 Cal. 420; 65 Cal. 24; 81 Cal. 409, 460, 469, 476, 484; 82 Cal. 599; 83 Cal. 112, 123, 494; 93 Cal. 73; 95 Cal. 41, 43; 101 Cal. 199; 148 Cal. 177, 178; 10 Cal. App. 457.

Justices, election and terms—Vacancies.

SEC. 3. The Chief Justice and the Associate Justices shall be elected by the qualified electors of the State at large at the general state elections, at the time and places at which state officers are elected; and the term of office shall be twelve years from and after the first Monday after the first day of January next succeeding their election; *provided*, that the six Associate Justices elected at the first election shall, at their first meeting, so classify themselves, by lot, that two of them shall go out of office at the end of four years, two of them at the end of eight years, and two of them at the end of twelve years, and an entry of such classification shall be made in the minutes of the court in bank, signed by them, and a duplicate thereof shall be filed in the office of the Secretary of State. If a vacancy occur in the office of a justice, the Governor shall appoint a person to hold the office until the election and qualification of a justice to fill the vacancy, which election shall take place at the next succeeding general election, and the justice so elected shall hold the office for the remainder of the unexpired term. The first election of the justices shall be at the first general election

after the adoption and ratification of this Constitution. [Constitution of 1849, Art. VI, § 3]

56 Cal. 101; 81 Cal. 460; 83 Cal. 112; 99 Cal. 45; 114 Cal. 172.

Jurisdiction of Supreme Court—District Courts of Appeal.

SEC. 4. The Supreme Court shall have appellate jurisdiction on appeal from the Superior Courts in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to two thousand dollars; also, in all such probate matters as may be provided by law; also, on questions of law alone, in all criminal cases where judgment of death has been rendered; the said court shall also have appellate jurisdiction in all cases, matters, and proceedings pending before a District Court of Appeal, which shall be ordered by the Supreme Court to be transferred to itself for hearing and decision, as hereinafter provided. The said court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court of Appeal, or before any judge thereof, or before any Superior Court in the State, or before any judge thereof.

The State is hereby divided into three appellate districts, in each of which there shall be a District Court of Appeal consisting of three justices. The first district shall embrace the following counties: San Francisco, Marin, Contra Costa, Alameda, San Mateo, Santa Clara, Fresno, Santa Cruz, Monterey, and San Benito.

The second district shall embrace the following counties: Tulare, Kings, San Luis Obispo, Kern, Inyo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange, Riverside and San Diego.

The third district shall embrace the following counties: Del Norte, Siskiyou, Modoc, Humboldt, Trinity, Shasta, Lassen, Tehama, Plumas, Mendocino, Lake, Colusa, Glenn, Butte, Sierra, Sutter, Yuba, Nevada, Sonoma, Napa, Yolo, Placer,

Solano, Sacramento, El Dorado, San Joaquin, Amador, Calaveras, Stanislaus, Mariposa, Madera, Merced, Tuolumne, Alpine and Mono.

The Supreme Court, by orders entered in its minutes, may from time to time remove one or more counties from one appellate district to another, but no county not contiguous to another county of a district shall be added to such district.

Said District Courts of Appeal shall hold their regular sessions respectively at San Francisco, Los Angeles, and Sacramento, and they shall always be open for the transaction of business.

The District Courts of Appeal shall have appellate jurisdiction on appeal from the Superior Courts in all cases at law in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars, and does not amount to two thousand dollars; also, in all cases of forcible and unlawful entry and detainer (except such as arise in Justices' Courts), in proceedings in insolvency, and in actions to prevent or abate a nuisance; in proceedings of mandamus, certiorari, and prohibition, usurpation of office, contesting elections and eminent domain, and in such other special proceedings as may be provided by law (excepting cases in which appellate jurisdiction is given to the Supreme Court); also, on questions of law alone, in all criminal cases prosecuted by indictment or information in a court of record, excepting criminal cases where judgment of death has been rendered. The said courts shall also have appellate jurisdiction in all cases, matters, and proceedings pending before the Supreme Court which shall be ordered by the Supreme Court to be transferred to a District Court of Appeal for hearing and decision. The said courts shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of their appellate jurisdiction. Each of the justices thereof shall have power to issue writs of habeas corpus to any part of his appellate district upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself or the District Court of Appeal of his district, or before any Superior Court within his district, or before any judge thereof.

The Supreme Court shall have power to order any cause pending before the Supreme Court to be heard and determined by a District Court of Appeal, and to order any cause pending

before a District Court of Appeal to be heard and determined by the Supreme Court. The order last mentioned may be made before judgment has been pronounced by a District Court of Appeal, or within thirty days after such judgment shall have become final therein. The judgments of the District Courts of Appeal shall become final therein upon the expiration of thirty days after the same shall have been pronounced.

The Supreme Court shall have power to order causes pending before a District Court of Appeal for one district to be transferred to the District Court of Appeal of another district for hearing and decision.

The Justices of the District Courts of Appeal shall be elected by the qualified electors within their respective districts at the general state elections at the times and places at which Justices of the Supreme Court are elected. Their terms of office and salaries shall be the same as those of Justices of the Supreme Court, and their salaries shall be paid by the State. Upon the ratification by the people of this amendment the Governor shall appoint nine persons to serve as Justices of the District Courts of Appeal until the first Monday after the first day of January in the year 1907; *provided*, that not more than six of said persons shall be members of the same political party. At the election in the year 1906 nine of such justices shall be elected as above provided, and the justices of each District Court of Appeal shall so classify themselves by lot that one of them shall go out of office at the end of four years, one of them at the end of eight years, and one of them at the end of twelve years; an entry of such classification shall be made in the minutes of the court, signed by the three justices thereof, and a duplicate thereof filed in the office of the Secretary of State. If any vacancy occur in the office of a Justice of the District Courts of Appeal, the Governor shall appoint a person to hold office until the election and qualification of a justice to fill the vacancy; such election shall take place at the next succeeding general State election as aforesaid; the justice then elected shall hold the office for the unexpired term.

One of the justices of each of the District Courts of Appeal shall be the presiding justice thereof, and as such shall be appointed or elected as the case may be. The presence of three justices shall be necessary for the transaction of any business by such court, except such as may be done at chambers, and

the concurrence of three justices shall be necessary to pronounce a judgment.

Whenever any Justice of the Supreme Court is for any reason disqualified or unable to act in a cause pending before it, the remaining justices may select one of the Justices of the District Court of Appeal to act pro tempore in the place of the justice so disqualified or unable to act.

Whenever any Justice of a District Court of Appeal is for any reason disqualified or unable to act in any cause pending before it, the Supreme Court may appoint a Justice of the District Court of Appeal of another district, or a Judge of a Superior Court who has not acted in the cause in the court below, to act pro tempore in the place of the justice so disqualified or unable to act.

No appeal taken to the Supreme Court or to a District Court of Appeal shall be dismissed for the reason only that the same was not taken to the proper court, but the cause shall be transferred to the proper court upon such terms as to costs or otherwise as may be just, and shall be proceeded with therein as if regularly appealed thereto.

All statutes now in force allowing, providing for, or regulating appeals to the Supreme Court shall apply to appeals to the District Courts of Appeal so far as such statutes are not inconsistent with this article and until the Legislature shall otherwise provide.

The Supreme Court shall make and adopt rules not inconsistent with law for the government of the Supreme Court and of the District Courts of Appeal and of the officers thereof, and for regulating the practice in said courts. [*Amendment adopted November 8, 1904*]

146 Cal. 138; 147 Cal. 265, 347; 148 Cal. 70, 331, 333, 742, 773; 149 Cal. 292, 296, 309, 324, 351, 428, 456, 482, 712; 151 Cal. 30, 31, 203, 518; 152 Cal. 110, 603; 154 Cal. 97, 519; 155 Cal. 66, 96; 156 Cal. 84; 157 Cal. 5, 773; 159 Cal. 33; 161 Cal. 241, 255, 310; 164 Cal. 731, 732; 165 Cal. 63, 206; 166 Cal. 370, 647, 693, 694; 167 Cal. 793; 48 Cal. Dec. 82, 331, 363, 599; 2 Cal. App. 160, 316, 533, 664, 728; 3 Cal. App. 238, 645, 646; 5 Cal. App. 548, 678; 6 Cal. App. 114; 7 Cal. App. 3, 221, 257, 553, 567, 658; 8 Cal. App. 434, 435, 490, 755; 9 Cal. App. 210, 218; 10 Cal. App. 567; 11 Cal. App. 27, 298, 385; 12 Cal. App. 122; 13 Cal. App. 391, 736; 14 Cal. App.

624; 17 Cal. App. 368; 19 Cal. App. 89; 21 Cal. App. 114, 722; 22 Cal. App. 605, 807; 24 Cal. App. 408, 555; 19 Cal. App. Dec. 526, 527, 663; 48 Cal. Dec. 82, 331, 363, 599.

Original text.—SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity, except such as arise in Justices' Courts; also, in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three hundred dollars; also, in cases of forcible entry and detainer, and in proceedings in insolvency, and in actions to prevent or abate a nuisance, and in all such probate matters as may be provided by law; also, in all criminal cases prosecuted by indictment or information in a court of record on questions of law alone. The court shall also have power to issue writs of mandamus, certiorari, prohibition, and habeas corpus, and all other writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition by or on behalf of any person held in actual custody, and may make such writs returnable before himself, or the Supreme Court, or before any Superior Court in the State, or before any judge thereof. [Constitution of 1849, Art. VI, § 4]

52 Cal. 222; 54 Cal. 103, 354, 361, 365, 370, 371, 372; 55 Cal. 191; 57 Cal. 553; 59 Cal. 554; 60 Cal. 115, 654; 61 Cal. 141; 62 Cal. 41; 64 Cal. 424; 65 Cal. 29, 32, 99, 382, 645; 67 Cal. 187, 189, 205, 211, 213, 214, 219; 68 Cal. 395; 79 Cal. 107, 477, 486; 82 Cal. 162, 426; 83 Cal. 112; 86 Cal. 59; 94 Cal. 353; 95 Cal. 646; 99 Cal. 429; 100 Cal. 120; 102 Cal. 657; 103 Cal. 142; 108 Cal. 663; 109 Cal. 279; 110 Cal. 39; 119 Cal. 438; 120 Cal. 569; 122 Cal. 534; 123 Cal. 509; 124 Cal. 205; 132 Cal. 601; 134 Cal. 612; 138 Cal. 429; 142 Cal. 628.

New trial.

SEC. 4½. No judgment shall be set aside, or new trial granted, in any case, on the ground of misdirection of the jury, or of the improper admission or rejection of evidence, or for any error as to any matter of pleading, or for any error as to any matter of procedure, unless, after an examination of the entire cause, including the evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. [*Amendment adopted November 3, 1914*]

Original text.—SEC. 4½. No judgment shall be set aside, or new trial granted in any criminal case on the ground of misdirection of the jury or the improper admission or rejection of evidence, or for error as to any matter of pleading or procedure, unless, after an examination of the entire cause including the

evidence, the court shall be of the opinion that the error complained of has resulted in a miscarriage of justice. [*New section adopted October 10, 1911*]

165 Cal. 63, 65, 67, 68, 147; 166 Cal. 370, 381, 384, 575; 48 Cal. Dec. 195; 17 Cal. App. 785; 18 Cal. App. 65, 69, 554, 571; 19 Cal. App. 694; 20 Cal. App. 47, 680, 681, 685; 22 Cal. App. 20, 605, 700; 21 Cal. App. 69; 24 Cal. App. 466, 468, 469, 666, 759, 798; 23 Cal. App. 114, 381, 452, 454, 524; 19 Cal. App. Dec. 120, 265, 399, 851.

Superior Court, jurisdiction of.

SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy amounts to three hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for, and said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 5. The Superior Court shall have original jurisdiction in all cases in equity, and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest, or the value of the property in controversy, amounts to three

hundred dollars, and in all criminal cases amounting to felony, and cases of misdemeanor not otherwise provided for; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate; of divorce and for annulment of marriage; and of all such special cases and proceedings as are not otherwise provided for. And said court shall have the power of naturalization, and to issue papers therefor. They shall have appellate jurisdiction in such cases arising in Justices' and other inferior courts in their respective counties as may be prescribed by law. They shall be always open (legal holidays and non-judicial days excepted), and their process shall extend to all parts of the State; *provided*, that all actions for the recovery of the possession of, quieting the title to, or for the enforcement of liens upon real estate, shall be commenced in the county in which the real estate, or any part thereof, affected by such action or actions, is situated. Said courts, and their judges, shall have power to issue writs of mandamus, certiorari, prohibition, quo warranto, and habeas corpus, on petition by or on behalf of any person in actual custody, in their respective counties. Injunctions and writs of prohibition may be issued and served on legal holidays and non-judicial days.

54 Cal. 186, 364, 365, 370; 58 Cal. 90, 505; 59 Cal. 554; 60 Cal. 103, 152, 307, 427; 61 Cal. 71; 62 Cal. 41; 63 Cal. 95; 64 Cal. 252, 342, 346, 444; 65 Cal. 474, 476, 621; 66 Cal. 29, 204, 636; 67 Cal. 189, 193, 194, 205, 211, 214, 219; 68 Cal. 413, 491; 69 Cal. 544; 71 Cal. 382, 383, 555; 73 Cal. 183; 76 Cal. 182, 184, 185; 77 Cal. 160, 376; 78 Cal. 557, 560; 80 Cal. 41; 82 Cal. 241, 305; 83 Cal. 473, 493; 84 Cal. 120; 86 Cal. 97, 105, 200, 461; 87 Cal. 82, 231; 92 Cal. 50; 93 Cal. 463; 94 Cal. 355, 397; 98 Cal. 488; 99 Cal. 514; 103 Cal. 120, 142; 104 Cal. 203, 292, 604; 108 Cal. 222, 338; 109 Cal. 646; 110 Cal. 264; 111 Cal. 103, 105, 498; 112 Cal. 611; 113 Cal. 503; 114 Cal. 172; 117 Cal. 381; 119 Cal. 198, 616; 122 Cal. 119; 123 Cal. 695; 125 Cal. 314; 126 Cal. 226; 127 Cal. 328, 330; 130 Cal. 98, 139; 132 Cal. 601, 702; 133 Cal. 59; 134 Cal. 319, 588, 612; 136 Cal. 636; 138 Cal. 70, 71, 154; 139 Cal. 477; 140 Cal. 133, 138; 144 Cal. 773; 146 Cal. 10; 147 Cal. 381; 148 Cal. 132, 134; 149 Cal. 793; 150 Cal. 468, 476, 481, 485; 152 Cal. 74, 568; 153 Cal. 598; 155 Cal. 73, 386, 387; 156 Cal. 85, 480, 491; 157 Cal. 788; 159 Cal. 33, 364, 424; 166 Cal. 647, 712; 167 Cal. 312; 48 Cal. Dec. 332, 483; 1 Cal. App. 181, 227; 4 Cal. App. 119, 720; 6 Cal. App. 476; 10 Cal. App. 457, 458; 11 Cal. App. 362; 12 Cal. App. 486; 13 Cal. App. 274; 15 Cal. App. 474; 16 Cal. App. 564; 19 Cal. App. 82, 89; 24 Cal. App. 360.

Superior Courts—Number of judges—Distribution and conduct of business—Filling vacancies.

SEC. 6. There shall be in each of the organized counties, or cities and counties, of the State, a Superior Court, for each of which at least one judge shall be elected by the qualified electors of the county, or city and county, at the general State election; *provided*, that until otherwise ordered by the Legislature, only one judge shall be elected for the counties of Yuba and Sutter, and that in the City and County of San Francisco there shall be elected twelve Judges of the Superior Court, any one or more of whom may hold court. There may be as many sessions of said court, at the same time, as there are judges thereof. The said judges shall choose, from their own number, a presiding judge, who may be removed at their pleasure. He shall distribute the business of the court among the judges thereof, and prescribe the order of business. The judgments, orders, and proceedings of any session of the Superior Court held by any one or more of the judges of said courts, respectively, shall be equally effectual as if all the judges of said respective courts presided at such session. In each of the counties of Sacramento, San Joaquin, Los Angeles, Sonoma, Santa Clara, and Alameda there shall be elected two such judges. The term of office of Judges of the Superior Courts shall be six years from and after the first Monday of January next succeeding their election; *provided*, that the twelve Judges of the Superior Court elected in the City and County of San Francisco, at the first election held under this Constitution, shall at their first meeting so classify themselves, by lot, that four of them shall go out of office at the end of two years, and four of them shall go out of office at the end of four years, and four of them shall go out of office at the end of six years, and an entry of such classification shall be made in the minutes of the court, signed by them, and a duplicate thereof filed in the office of the Secretary of State. The first election of Judges of the Superior Courts shall take place at the first general election held after the adoption and ratification of this Constitution. If a vacancy occur in the office of Judge of a Superior Court, the Governor shall appoint a person to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election.

and the judge so elected shall hold office for the remainder of the unexpired term. [Constitution of 1849, Art. VI, § 7]

56 Cal. 101; 64 Cal. 287; 71 Cal. 606; 86 Cal. 28, 29; 89 Cal. 128; 99 Cal. 44, 514; 104 Cal. 234, 235; 110 Cal. 67; 130 Cal. 125; 133 Cal. 455; 135 Cal. 653; 138 Cal. 15; 6 Cal. App. 300, 301, 302, 303; 9 Cal. App. 165.

Sessions of Superior Courts.

SEC. 7. In any county, or city and county, other than the City and County of San Francisco, in which there shall be more than one Judge of the Superior Court, the judges of such court may hold as many sessions of said court at the same time as there are judges thereof, and shall apportion the business among themselves as equally as may be.

133 Cal. 455.

Assignment of judge from another county—Judge pro tempore—Sessions.

SEC. 8. A judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, and sworn to try the cause, and the person so selected shall be empowered to act in such capacity in all further proceedings in any suit or proceedings tried before him until the final determination thereof. There may be as many sessions of a Superior Court at the same time as there are judges thereof, including any judge or judges acting upon request, or any judge or judges pro tempore. The judgments, orders, acts and proceedings of any session of any Superior Court held by one or more judges acting upon request, or judge or judges pro tempore, shall be equally effective as if the judge or all of the judges of such court presided at such session. [*Amendment adopted November 8, 1910*]

Original text.—SEC. 8. A Judge of any Superior Court may hold a Superior Court in any county, at the request of a Judge of the Superior Court thereof, and upon the request of the Governor it shall be his duty so to do. But a cause in the Superior Court may be tried by a judge pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or

their attorneys of record, approved by the court, and sworn to try the cause.

66 Cal. 316; 97 Cal. 177; 126 Cal. 620; 130 Cal. 573; 6 Cal. App. 771, 773, 774; 20 Cal. App. 163.

Absence of judge from State—Change of number of judges.

SEC. 9. The Legislature shall have no power to grant leave of absence to any judicial officer; and any such officer who shall absent himself from the State for more than sixty consecutive days shall be deemed to have forfeited his office. The Legislature of the State may, at any time, two thirds of the members of the Senate and two thirds of the members of the Assembly voting therefor, increase or diminish the number of Judges of the Superior Court in any county, or city and county, in the State; *provided*, that no such reduction shall affect any judge who has been elected. [Constitution of 1849, Art. VI, portion of § 5]

86 Cal. 29; 104 Cal. 234; 118 Cal. 483; 6 Cal. App. 301, 303, 304; 15 Cal. App. 428.

Removal of judicial officers.

SEC. 10. Justices of the Supreme Court, and of the District Courts of Appeal, and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature adopted by a two thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor; but no removal shall be made by virtue of this section unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him and shall have had an opportunity of being heard in his defense. On the question of removal the ayes and noes shall be entered on the journal. [*Amendment adopted November 8, 1904*]

Original text.—SEC. 10. Justices of the Supreme Court and Judges of the Superior Courts may be removed by concurrent resolution of both houses of the Legislature, adopted by a two thirds vote of each house. All other judicial officers, except Justices of the Peace, may be removed by the Senate on the recommendation of the Governor, but no removal shall be made by virtue of this section, unless the cause thereof be entered on the journal, nor unless the party complained of has been served with a copy of the complaint against him, and shall have had an opportunity of being heard in his defense. On the question of removal, the aves and noes shall be entered on the journal. [Constitution of 1849, Art. IV, § 19]

Legislature to provide inferior courts.

SEC. 11. The Legislature shall determine the number of each of the inferior courts in incorporated cities or towns, and in townships, counties, or cities and counties, according to the population thereof and the number of judges or justices thereof, and shall fix by law the powers, duties and responsibilities of each of such courts and of the judges or justices thereof; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record, except that the Legislature shall provide that said courts shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars. [*Amendment adopted October 10, 1911*]

158 Cal. 448; 161 Cal. 239; 19 Cal. App. Dec. 764.

Original text.—SEC. 11. The Legislature shall determine the number of Justices of the Peace to be elected in townships, incorporated cities and towns, or cities and counties, and shall fix by law the powers, duties, and responsibilities of Justices of the Peace; *provided*, such powers shall not, in any case, trench upon the jurisdiction of the several courts of record, except that said justices shall have concurrent jurisdiction with the Superior Courts in cases of forcible entry and detainer, where the rental value does not exceed twenty-five dollars per month, and where the whole amount of damages claimed does not exceed two hundred dollars, and in cases to enforce and foreclose liens on personal property when neither the amount of liens nor the value of the property amounts to three hundred dollars. [Constitution of 1849, Art. VI, portion of § 9]

53 Cal. 414; 55 Cal. 611; 58 Cal. 560, 574; 60 Cal. 103, 152, 427; 65 Cal. 474; 78 Cal. 559; 80 Cal. 40; 90 Cal. 502; 103 Cal. 142; 114 Cal. 331, 333, 334; 121 Cal. 267; 122 Cal. 119, 534; 130 Cal. 96, 98; 133 Cal. 76; 143 Cal. 246; 151 Cal. 469, 471; 162 Cal. 288; 4 Cal. App. 720; 6 Cal. App. 739.

Courts of record.

SEC. 12. The Supreme Court, the District Courts of Appeal, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment adopted November 8, 1904*]

Original text.—SEC. 12. The Supreme Court, the Superior Courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [Constitution of 1849, Art. VI, § 9]

Jurisdiction of inferior courts and powers of judges.

SEC. 13. The Legislature shall fix by law the jurisdiction of any inferior courts which may be established in pursuance of section one of this article, and shall fix by law the powers, duties, and responsibilities of the judges thereof. [Constitution of 1849, Art. VI, § 10]

73 Cal. 507; 78 Cal. 560, 563, 564; 85 Cal. 336; 97 Cal. 217; 120 Cal. 401; 151 Cal. 469; 167 Cal. 316; 11 Cal. App. 361.

Clerks—Commissioners.

SEC. 14. The county clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several superior courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 14. The Legislature shall provide for the election of a Clerk of the Supreme Court, and shall fix by law his duties and compensation, which compensation shall not be increased or diminished during the term for which he shall have been elected. The County Clerks shall be ex officio clerks of the courts of record in and for their respective counties, or cities and counties. The Legislature may also provide for the appointment, by the several Superior Courts, of one or more commissioners in their respective counties, or cities and counties, with authority to perform chamber business of the Judges of the Superior Courts, to take depositions, and perform such other business connected with the administration of justice as may be prescribed by law. [Constitution of 1849, Art. VI, § 11]

56 Cal. 101; 95 Cal. 47; 103 Cal. 491; 140 Cal. 12; 155 Cal. 814.

Fees of judicial officers abolished.

SEC. 15. No judicial officer, except court commissioners, shall receive to his own use any fees or perquisites of office; *provided*, that Justices of the Peace now holding office shall receive to their own use such fees as are now allowed by law during the terms for which they have been elected. [*Amendment adopted October 10, 1911*]

161 Cal. 239.

Original text.—SEC. 15. No judicial officer, except Justices of the Peace and Court Commissioners, shall receive to his own use any fees or perquisites of office. [Constitution of 1849, Art. VI, § 13]

Publication of opinions of Appellate Courts.

SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court and of the District Courts of Appeal as the Supreme Court may deem expedient, and all opinions shall be free for publication by any person. [*Amendment adopted November 8, 1904*]

Original text.—SEC. 16. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient, and all opinions shall be free for publication by any person. [Constitution of 1849, Art. VI, § 14]

Compensation of Judges.

SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Courts, shall severally, at stated times during their continuance in office, receive for their service such compensation as is or shall be provided by law. The salaries of the Judges of the Superior Court, in all counties having but one judge, and in all counties in which the terms of the judges of the Superior Court expire at the same time, shall not hereafter be increased or diminished after their election, nor during the term for which they shall have been elected. Upon the adoption of this amendment the salaries then established by law shall be paid uniformly to the justices and judges then in office. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; and the other half thereof shall be paid by the county for which he is elected. On and after the first day of January, A. D., one thousand nine hundred and seven, the Justices of the Supreme Court shall each receive an annual salary of eight thousand dollars, and the Justices of the several District Courts of Appeal shall each receive an annual salary of seven thousand dollars; the said salaries to be payable monthly. [*Amendment adopted November 6, 1906*]

9 Cal. App. 577.

Amendment of 1904.—SEC. 17. The Justices of the Supreme Court and of the District Courts of Appeal, and the Judges of the Superior Court shall severally, at stated times during their continuance in office, receive for their services such compensation as is or shall be provided by law, which shall not be increased or diminished after their election, nor during the term for which

they shall have been elected. The salaries of the Justices of the Supreme Court and of the District Courts of Appeal shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. [*Adopted November 8, 1904*]

Original text.—SEC. 17. The Justices of the Supreme Court and Judges of the Superior Courts shall severally, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished after their election, nor during the term for which they shall have been elected. The salaries of the Justices of the Supreme Court shall be paid by the State. One half of the salary of each Superior Court Judge shall be paid by the State; the other half thereof shall be paid by the county for which he is elected. During the term of the first judges elected under this Constitution, the annual salaries of the Justices of the Supreme Court shall be six thousand dollars each. Until otherwise changed by the Legislature, the Superior Court Judges shall receive an annual salary of three thousand dollars each, payable monthly, except the Judges of the City and County of San Francisco, and the counties of Alameda, San Joaquin, Los Angeles, Santa Clara, Yuba and Sutter combined, Sacramento, Butte, Nevada, and Sonoma, who shall receive four thousand dollars each. [Constitution of 1849, Art. VI, § 15]

87 Cal. 396; 138 Cal. 37; 148 Cal. 70.

Judge ineligible to other office.

SEC. 18. The Justices of the Supreme Court, and of the District Courts of Appeal, and the Judges of the Superior Courts shall be ineligible to any other office or public employment than a judicial office or employment during the term for which they shall have been elected. [*Amendment adopted November 8, 1904*]

154 Cal. 281.

Original text.—SEC. 18. The Justices of the Supreme Court and Judges of the Superior Courts shall be ineligible to any other office or public employment, than a judicial office or employment, during the term for which they shall have been elected. [Constitution of 1849, Art. VI, § 16]

Judge not to charge as to matters of fact.

SEC. 19. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law. [Constitution of 1849, Art. VI, § 17]

54 Cal. 151, 154; 55 Cal. 238; 56 Cal. 193; 64 Cal. 468; 65 Cal. 260, 261, 431, 569; 70 Cal. 68; 73 Cal. 516; 76 Cal. 411, 417, 428; 77 Cal. 98, 239, 267; 78 Cal. 173; 84 Cal. 481; 86 Cal. 33; 88 Cal. 142, 270, 426; 92 Cal. 490; 94 Cal. 269, 282; 96 Cal. 171, 181; 97 Cal. 453; 98 Cal

235, 279, 354; 104 Cal. 366, 485; 105 Cal. 230, 664; 106 Cal. 80; 111 Cal. 9, 149; 112 Cal. 254; 113 Cal. 90; 115 Cal. 14; 119 Cal. 169, 170, 171; 124 Cal. 105; 125 Cal. 443; 129 Cal. 262, 503, 509, 510, 514; 130 Cal. 8; 133 Cal. 398; 134 Cal. 529; 139 Cal. 164; 142 Cal. 111; 149 Cal. 41; 156 Cal. 727; 160 Cal. 176, 177; 163 Cal. 55; 167 Cal. 550; 48 Cal. Dec. 82; 4 Cal. App. 96, 218; 10 Cal. App. 491; 11 Cal. App. 467, 553, 555; 13 Cal. App. 367, 636; 14 Cal. App. 101; 19 Cal. App. 744; 22 Cal. App. 229; 23 Cal. App. 522; 24 Cal. App. 648.

Style of process.

SEC. 20. The style of process shall be "The People of the State of California," and all prosecutions shall be conducted in their name and by their authority. [Constitution of 1849, Art. VI, § 18]

59 Cal. 188; 103 Cal. 413, 501; 118 Cal. 483; 122 Cal. 288, 289; 153 Cal. 167; 160 Cal. 722; 24 Cal. App. 392.

Clerks and reporters of Appellate Courts.

SEC. 21. The Supreme Court shall appoint a clerk of the Supreme Court; *provided, however*, that any person elected to the office of Clerk of the Supreme Court before the adoption hereof, shall continue to hold such office until the expiration of the term for which he may have been elected. Said court may also appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts by which they are severally appointed. [*Amendment adopted October 10, 1911*]

Amendment of 1904.—SEC. 21. The Supreme Court may appoint a reporter and not more than three assistant reporters of the decisions of the Supreme Court and of the District Courts of Appeal. Each of the District Courts of Appeal shall appoint its own clerk. All the officers herein mentioned shall hold office and be removable at the pleasure of the courts by which they are severally appointed, and they shall receive such compensation as shall be prescribed by law, and discharge such duties as shall be prescribed by law, or by the rules or orders of the courts

by which they are severally appointed. [*Adopted November 8, 1904*]

Original text.—SEC. 21. The justices shall appoint a reporter of the decisions of the Supreme Court, who shall hold his office and be removable at their pleasure. He shall receive an annual salary not to exceed twenty-five hundred dollars, payable monthly.

57 Cal. 138; 64 Cal. 165.

Judge not to practice law.

SEC. 22. No judge of a court of record shall practice law in any court of this State during his continuance in office.

Judge must be an attorney.

SEC. 23. No one shall be eligible to the office of a Justice of the Supreme Court, or of a District Court of Appeal, or of a Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State. [*Amendment adopted November 8, 1904*]

Original text.—SEC. 23. No one shall be eligible to the office of Justice of the Supreme Court, or to the office of Judge of a Superior Court, unless he shall have been admitted to practice before the Supreme Court of the State.

Salary of judge not to be paid, when—Written opinions.

SEC. 24. No Judge of the Supreme Court nor of a District Court of Appeal, nor of a Superior Court, shall draw or receive any monthly salary unless he shall make and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains pending and undecided, that has been submitted for decision for a period of ninety days. In the determination of causes all decisions of the Supreme Court and of the District Courts of Appeal shall be given in writing, and the grounds of the decisions shall be stated. When the Justices of a District Court of Appeal are unable to concur in a judgment, they shall give their several opinions in writing and cause copies thereof to be forwarded to the Supreme Court. [*Amendment adopted November 8, 1904*]

164 Cal. 732; 7 Cal. App. 228.

Original text.—SEC. 24. No Judge of a Superior Court, nor of the Supreme Court shall, after the first day of July, one thousand eight hundred and eighty, be allowed to draw or receive any monthly salary, unless he shall take and subscribe an affidavit before an officer entitled to administer oaths, that no cause in his court remains undecided that has been submitted for decision for the period of ninety days.

62 Cal. 514.

Supreme Court Commission abolished.

SEC. 25. The present Supreme Court Commission shall be abolished at the expiration of its present term of office, and no Supreme Court Commission shall be created or provided for after January 1st, A. D. 1905. [*New section adopted November 8, 1904*]

ARTICLE VII.

PARDONING POWER.

SECTION 1. The Governor shall have the power to grant reprieves, pardons, and commutations of sentence, after conviction, for all offenses except treason and cases of impeachment, upon such conditions, and with such restrictions and limitations, as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, the Governor shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. The Governor shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence, its date, the date of the pardon or reprieve, and the reasons for granting the same. Neither the Governor nor the Legislature shall have power to grant pardons, or commutations of sentence, in any case where the convict has been twice convicted of a felony, unless upon the written recommendation of a majority of the Judges of the Supreme Court. [Constitution of 1849, Art. V, § 13]

64 Cal. 31; 82 Cal. 518; 12 Cal. App. 298.

ARTICLE VIII.

MILITIA.

SECTION 1. The Legislature shall provide, by law, for organizing and disciplining the militia, in such manner as it may deem expedient, not incompatible with the Constitution and laws of the United States. Officers of the militia shall be elected or appointed in such manner as the Legislature shall, from time to time, direct, and shall be commissioned by the Governor. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections, and repel invasions. [Constitution of 1849, Art. VIII, §§ 1, 2, 3]

Militia to carry only National or State flag.

SEC. 2. All military organizations provided for by this Constitution, or any law of this State, and receiving state support, shall, while under arms, either for ceremony or duty, carry no device, banner, or flag of any state or nation, except that of the United States or the State of California.

ARTICLE IX.

EDUCATION.

SECTION 1. A general diffusion of knowledge and intelligence being essential to the preservation of the rights and liberties of the people, the Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral and agricultural improvement. [Constitution of 1849, Art. IX, § 2]

99 Cal. 150; 118 Cal. 120; 121 Cal. 22; 124 Cal. 699; 151 Cal. 802.

Superintendent of Public Instruction—Salary.

SEC. 2. A superintendent of public instruction shall, at each gubernatorial election after the adoption of this Constitution, be elected by the qualified electors of the State. He shall receive a salary equal to that of the Secretary of State, and shall enter upon the duties of his office on the first Monday after the first day of January next succeeding his election. [Constitution of 1849, Art. IX, § 1]

56 Cal. 101; 87 Cal. 396.

County Superintendent of Schools.

SEC. 3. A superintendent of schools for each county shall be elected by the qualified electors thereof at each gubernatorial election; *provided*, that the Legislature may authorize two or more counties to unite and elect one superintendent for the counties so uniting.

56 Cal. 102; 114 Cal. 318, 335, 561; 123 Cal. 308.

State school fund.

SEC. 4. The proceeds of all lands that have been or may be granted by the United States to this State for the support of common schools, which may be, or may have been, sold or disposed of, and the five hundred thousand acres of land granted to the new states under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died

without leaving a will or heir, and also such per cent as may be granted, or may have been granted, by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State. [Constitution of 1849, Art. IX, § 2]

67 Cal. 384; 70 Cal. 157; 97 Cal. 431; 104 Cal. 658; 143 Cal. 331.

Common school system.

SEC. 5. The Legislature shall provide for a system of common schools, by which a free school shall be kept up and supported in each district at least six months in every year, after the first year in which a school has been established. [Constitution of 1849, Art. IX, § 3]

55 Cal. 334, 490, 497; 97 Cal. 431; 99 Cal. 29; 104 Cal. 350; 117 Cal. 523; 124 Cal. 698; 134 Cal. 65; 141 Cal. 376; 148 Cal. 384, 389, 390.

Support of school system.

SEC. 6. The public school system shall include day and evening elementary schools, and such day and evening secondary schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of day and evening elementary schools; but the Legislature may authorize and cause to be levied a special state school tax for the support of day and evening secondary schools and technical schools, or either of such schools, included in the public school system, and all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Amendment adopted November 3, 1908*]

Amendment of 1902.—SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority. The entire revenue derived from the State school fund and from the general State school tax shall be applied exclusively to the support of primary and grammar schools; but the Legislature may authorize and cause to be levied a special State school tax for the support of high schools and technical schools, or either of such schools, included in the public school system, and

all revenue derived from such special tax shall be applied exclusively to the support of the schools for which such special tax shall be levied. [*Adopted November 4, 1902*]

Original text.—SEC. 6. The public school system shall include primary and grammar schools, and such high schools, evening schools, normal schools, and technical schools as may be established by the Legislature, or by municipal or district authority; but the entire revenue derived from the State school fund, and the State school tax, shall be applied exclusively to the support of primary and grammar schools.

55 Cal. 334; 84 Cal. 229; 97 Cal. 431; 104 Cal. 63; 107 Cal. 192; 117 Cal. 523; 118 Cal. 119; 124 Cal. 698; 134 Cal. 65; 141 Cal. 375, 380; 148 Cal. 388, 390, 392; 152 Cal. 517, 519.

State Board of Education—Free textbooks.

SEC. 7. The legislature shall provide for the appointment or election of a state board of education, and said board shall provide, compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the day and evening elementary schools throughout the state. The state board may cause such textbooks, when adopted, to be printed and published by the superintendent of state printing, at the state printing office; and wherever and however such textbooks may be printed and published, they shall be furnished and distributed by the state free of cost or any charge whatever, to all children attending the day and evening elementary schools of the state, under such conditions as the legislature shall prescribe. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the furnishing of new books to such pupils, and said state board shall perform such other duties as may be prescribed by law. The legislature shall provide for a board of education in each county in the state. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Amendment adopted November 5, 1912*]

Amendment of 1911.—SEC. 7. The Governor, the Superintendent of Public Instruction, the president of the University of California, and the professor of pedagogy therein and the principals of the State normal schools, shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt a uniform series of textbooks for use in the common schools throughout the State.

The state board may cause such textbooks when adopted, to be printed, and published by the superintendent of state print-

ing, at the state printing office; and when so printed and published, to be distributed and sold at the cost price of printing, publishing and distributing the same. The textbooks, so adopted, shall continue in use not less than four years, without any change or alteration whatsoever which will require or necessitate the purchase of new books by such pupils, and said State board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Adopted October 10, 1911*]

Amendment of 1894.—SEC. 7. The Governor, the Superintendent of Public Instruction, the president of the University of California, and the professor of pedagogy therein, and the principals of the State normal schools shall constitute the State Board of Education, and shall compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the common schools throughout the State. The State board may cause such textbooks, when adopted, to be printed and published by the superintendent of State printing, at the State printing office, and, when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The text books so adopted shall continue in use not less than four years; and said board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Adopted November 6, 1894*]

Amendment of 1884.—SEC. 7. The Governor, Superintendent of Public Instruction, and the principals of the State normal schools, shall constitute the State board of education, and shall compile, or cause to be compiled, and adopt, a uniform series of textbooks for use in the common schools throughout the State. The State board may cause such textbooks, when adopted, to be printed and published by the superintendent of State printing, at the State printing office, and when so printed and published, to be distributed and sold at the cost price of printing, publishing, and distributing the same. The textbooks so adopted shall continue in use not less than four years; and said State board shall perform such other duties as may be prescribed by law. The Legislature shall provide for a board of education in each county in the State. The county superintendents and the county boards of education shall have control of the examination of teachers and the granting of teachers' certificates within their respective jurisdictions. [*Adopted November 4, 1884*]

Original text.—SEC. 7. The local boards of education, and the boards of supervisors, and the county superintendents of the several counties which may not have county boards of education, shall adopt a series of textbooks for the use of the common schools within their respective jurisdictions; the textbooks so adopted shall continue in use for not less than four years;

they shall also have control of the examination of teachers and the granting of teachers' certificates within their several jurisdictions.

55 Cal. 331, 333; 107 Cal. 192; 117 Cal. 522, 526.

No public money for sectarian schools.

SEC. 8. No public money shall ever be appropriated for the support of any sectarian or denominational school, or any school not under the exclusive control of the officers of the public schools; nor shall any sectarian or denominational doctrine be taught, or instruction thereon be permitted, directly or indirectly, in any of the common schools of this State.

55 Cal. 334; 71 Cal. 630, 631; 97 Cal. 431.

University of California.

SEC. 9. The University of California shall constitute a public trust, and its organization and government shall be perpetually continued in the form and character prescribed by the organic act creating the same, passed March twenty-third, eighteen hundred and sixty-eight (and the several acts amendatory thereof), subject only to such legislative control as may be necessary to insure compliance with the terms of its endowments and the proper investment and security of its funds. It shall be entirely independent of all political or sectarian influence, and kept free therefrom in the appointment of its regents, and in the administration of its affairs; *provided*, that all the moneys derived from the sale of the public lands donated to this State by act of Congress, approved July second, eighteen hundred and sixty-two (and the several acts amendatory thereof), shall be invested as provided by said acts of Congress, and the interest of said moneys shall be inviolably appropriated to the endowment, support, and maintenance of at least one college of agriculture, where the leading objects shall be (without excluding other scientific and classical studies, and including military tactics) to teach such branches of learning as are related to scientific and practical agriculture and mechanic arts in accordance with the requirements and conditions of said acts of Congress; and the Legislature shall provide that if through neglect, misappropriation, or any other contingency, any portion of the funds so set apart shall be diminished or lost, the State shall replace such portion so lost or misappropriated, so that the principal thereof shall remain forever undiminished. No person shall be debarred admission to any of the collegiate depart-

ments of the University on account of sex. [Constitution of 1849, Art. IX, § 4]

54 Cal. 28; 55 Cal. 334; 66 Cal. 508; 69 Cal. 216; 104 Cal. 659; 123 Cal. 619; 153 Cal. 778.

Leland Stanford Junior University—Tax exemption conditioned on free tuition.

SEC. 10. The trusts and estates created for the founding, endowment, and maintenance of the Leland Stanford Junior University, under and in accordance with "An act to advance learning," etc., approved March ninth, eighteen hundred and eighty-five, by the endowment grant executed by Leland Stanford and Jane Lathrop Stanford on the eleventh day of November, A. D. eighteen hundred and eighty-five, and recorded in liber eighty-three of deeds, at page twenty-three *et seq.*, records of Santa Clara County, and by the amendments of such grant, and by gifts, grants, bequests, and devises supplementary thereto, and by confirmatory grants, are permitted, approved, and confirmed. The board of trustees of the Leland Stanford Junior University, as such, or in the name of the institution, or by other intelligible designation of the trustees of the institution, may receive property, real or personal, and wherever situated, by gift, grant, devise, or bequest, for the benefit of the institution, or of any department thereof, and such property, unless otherwise provided, shall be held by the trustees of the Leland Stanford Junior University upon the trusts provided for in the grant founding the university, and amendments thereof, and grants, bequests, and devises supplementary thereto. The Legislature, by special act, may grant to the trustees of the Leland Stanford Junior University corporate powers and privileges, but it shall not thereby alter their tenure, or limit their powers or obligations as trustees. All property now or hereafter held in trust for the founding, maintenance, or benefit of the Leland Stanford Junior University, or of any department thereof, may be exempted by special act from State taxation, and all personal property so held, the Palo Alto farm as described in the endowment grant to the trustees of the university, and all other real property so held and used by the university for educational purposes exclusively, may be similarly exempted from county and municipal taxation; *provided*, that residents of California shall be charged no fees for tuition unless such fees be authorized by act of the Legislature. [*New section adopted November 6, 1900*]

California School of Mechanical Arts.

SEC. 11. All property now or hereafter belonging to "The California School of Mechanical Arts," an institution founded and endowed by the late James Lick to educate males and females in the practical arts of life, and incorporated under the laws of the State of California, November twenty-third, eighteen hundred and eighty-five, having its school buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section adopted November 6, 1900*]

California Academy of Sciences.

SEC. 12. All property now or hereafter belonging to the "California Academy of Sciences," an institution for the advancement of science and maintenance of a free museum, and chiefly endowed by the late James Lick, and incorporated under the laws of the State of California, January sixteenth, eighteen hundred and seventy-one, having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section adopted November 8, 1904*]

Cogswell Polytechnical College.

SEC. 13. All property now or hereafter belonging to the Cogswell Polytechnical College, an institution for the advancement of learning, incorporated under the laws of the State of California, and having its buildings located in the city and county of San Francisco, shall be exempt from taxation. The trustees of said institution must annually report their proceedings and financial accounts to the Governor. The Legislature may modify, suspend, and revive at will the exemption from taxation herein given. [*New section adopted November 6, 1906*]

ARTICLE X.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold

office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy occurring before the expiration of a term shall hold office only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

61 Cal. 263, 436; 63 Cal. 490.

Powers and duties of Prison Directors.

SEC. 2. The board of directors shall have the charge and superintendence of the State prisons, and shall possess such powers and perform such duties, in respect to other penal and reformatory institutions of the State, as the Legislature may prescribe.

103 Cal. 225.

Appointment and removal of officers and employees.

SEC. 3. The board shall appoint the warden and clerk, and determine the other necessary officers of the prisons. The board shall have power to remove the wardens and clerks for misconduct, incompetency, or neglect of duty. All other officers and employees of the prisons shall be appointed by the warden thereof, and be removed at his pleasure.

Prison Directors receive no compensation.

SEC. 4. The members of the board shall receive no compensation, other than reasonable traveling and other expenses incurred while engaged in the performance of official duties, to be audited as the Legislature may direct.

61 Cal. 264.

Legislature to prescribe powers and duties of prison officials.

SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board, wardens, and clerks, and to carry into effect the provisions of this article.

Convict labor.

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

ARTICLE XI.

COUNTIES, CITIES, AND TOWNS.

SECTION 1. The several counties, as they now exist, are hereby recognized as legal subdivisions of this State.

56 Cal. 103; 61 Cal. 277; 81 Cal. 497; 88 Cal. 412; 106 Cal. 424; 114 Cal. 320, 326, 561; 129 Cal. 573, 574; 134 Cal. 70; 142 Cal. 516; 8 Cal. App. 679.

Removal of county seat.

SEC. 2. No county seat shall be removed unless two thirds of the qualified electors of the county, voting on the proposition at a general election, shall vote in favor of such removal. A proposition of removal shall not be submitted in the same county more than once in four years.

61 Cal. 277; 71 Cal. 313; 81 Cal. 497.

Formation of new counties.

SEC. 3. The Legislature, by general and uniform laws, may provide for the alteration of county boundary lines, and for the formation of new counties; *provided, however,* that no new county shall be established which shall reduce any county to a population of less than twenty thousand; nor shall a new county be formed containing a less population than eight thousand; nor shall any line thereof pass within five miles of the exterior boundary of the city or town in which the county seat of any county proposed to be divided is situated. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken. [*Amendment adopted November 8, 1910*]

Amendment of 1894.—SEC. 3. The Legislature, by general and uniform laws, may provide for the formation of new counties; *provided, however,* that no new county shall be established

which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population of less than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debt and liabilities of the county or counties from which such territory shall be taken. [*Adopted November 6, 1894*]

Original text.—SEC. 3. No new county shall be established which shall reduce any county to a population of less than eight thousand; nor shall a new county be formed containing a less population than five thousand; nor shall any line thereof pass within five miles of the county seat of any county proposed to be divided. Every county which shall be enlarged or created from territory taken from any other county or counties, shall be liable for a just proportion of the existing debts and liabilities of the county or counties from which such territory shall be taken.

61 Cal. 277; 81 Cal. 497; 97 Cal. 331; 114 Cal. 394; 117 Cal. 196, 197, 200; 134 Cal. 522; 142 Cal. 516; 152 Cal. 228.

County governments and township organization.

SEC. 4. The Legislature shall establish a system of county governments, which shall be uniform throughout the State; and by general laws shall provide for township organizations, under which any county may organize whenever a majority of the qualified electors of such county, voting at a general election, shall so determine; and whenever a county shall adopt township organization, the assessment and collection of the revenue shall be made, and the business of such county and the local affairs of the several townships therein shall be managed and transacted, in the manner prescribed by such general laws. [Constitution of 1849, Art. XI, § 4]

48 Cal. 318; 50 Cal. 570; 56 Cal. 103, 637; 58 Cal. 61; 61 Cal. 277; 65 Cal. 123; 73 Cal. 77; 81 Cal. 497; 84 Cal. 76; 92 Cal. 300; 94 Cal. 601, 624; 98 Cal. 224; 109 Cal. 334, 496; 114 Cal. 320, 332, 561; 118 Cal. 308, 404; 121 Cal. 551; 129 Cal. 574; 132 Cal. 444; 134 Cal. 70; 154 Cal. 330.

Compensation of officers and jurors.

SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal

officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and may also establish fees to be charged and collected by such officers for services performed in their respective offices, in the manner and for the uses provided by law, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. It may regulate the compensation of grand and trial jurors in all courts within the classes of counties herein permitted to be made; such compensation, however, shall not, in any class, exceed the sum of three dollars per day and mileage. [*Amendment adopted November 3, 1908*]

Original text.—SEC. 5. The Legislature, by general and uniform laws, shall provide for the election or appointment, in the several counties, of boards of supervisors, sheriffs, county clerks, district attorneys, and such other county, township, and municipal officers as public convenience may require, and shall prescribe their duties and fix their terms of office. It shall regulate the compensation of all such officers, in proportion to duties, and for this purpose may classify the counties by population; and it shall provide for the strict accountability of county and township officers for all fees which may be collected by them, and for all public and municipal moneys which may be paid to them, or officially come into their possession. [Constitution of 1849, Art. XI, § 5]

53 Cal. 748; 56 Cal. 95, 103, 107-111; 58 Cal. 561, 571; 60 Cal. 513, 514, 516; 61 Cal. 277, 313, 316; 62 Cal. 566; 65 Cal. 123, 288, 290; 66 Cal. 4; 73 Cal. 77; 76 Cal. 95; 81 Cal. 497, 500; 84 Cal. 75; 88 Cal. 531; 89 Cal. 472; 94 Cal. 604, 608, 618, 619, 624, 625, 629; 95 Cal. 332, 473, 474, 475; 98 Cal. 222, 228; 99 Cal. 611; 100 Cal. 268, 273, 274, 424; 103 Cal. 394, 499; 104 Cal. 130; 105 Cal. 626; 106 Cal. 197; 109 Cal. 334, 497; 111 Cal. 103, 370, 569; 113 Cal. 516, 645; 114 Cal. 327, 561; 115 Cal. 538, 548; 118 Cal. 308, 404, 408; 120 Cal. 391; 125 Cal. 192; 128 Cal. 247, 249; 131 Cal. 550; 134 Cal. 70; 135 Cal. 514, 650; 136 Cal. 376, 377, 378, 655; 141 Cal. 429, 726, 727, 728; 142 Cal. 516; 144 Cal. 269, 274; 145 Cal. 425; 148 Cal. 747, 753, 754; 153 Cal. 168; 154 Cal. 330; 157 Cal. 160, 421, 422; 162 Cal. 593; 164 Cal. 326; 3 Cal. App. 182, 274; 5 Cal. App. 467, 679; 15 Cal. App. 580; 18 Cal. App. 448; 20 Cal. App. 20.

Corporations formed under general laws.

SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature shall, by general laws, provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed; and the Legislature may, by general laws, provide for the performance by county officers of certain of the municipal functions of cities and towns so incorporated, whenever a majority of the electors of any such city or town voting at a general or special election shall so determine. Cities and towns heretofore organized or incorporated may become organized under the general laws passed for that purpose, whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith. Cities and towns hereafter organized under charters framed and adopted by authority of this Constitution are hereby empowered, and cities and towns heretofore organized by authority of this Constitution may amend their charters in the manner authorized by this Constitution so as to become likewise empowered hereunder, to make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters, and in respect to other matters they shall be subject to and controlled by general laws. Cities and towns heretofore or hereafter organized by authority of this Constitution may, by charter provision or amendment, provide for the performance by county officers of certain of their municipal functions, whenever the discharge of such municipal functions by county officers is authorized by general laws or by the provisions of a county charter framed and adopted by authority of this Constitution. [*Amendment adopted November 3, 1914*]

Amendment of 1896.—SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities and towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, except in municipal affairs, shall be subject to and controlled by general laws. [*Adopted November 3, 1896*]

Original text.—SEC. 6. Corporations for municipal purposes shall not be created by special laws; but the Legislature, by

general laws, shall provide for the incorporation, organization, and classification, in proportion to population, of cities and towns, which laws may be altered, amended, or repealed. Cities and towns heretofore organized or incorporated may become organized under such general laws whenever a majority of the electors voting at a general election shall so determine, and shall organize in conformity therewith; and cities or towns heretofore or hereafter organized, and all charters thereof framed or adopted by authority of this Constitution, shall be subject to and controlled by general laws.

55 Cal. 244-247, 250; 58 Cal. 566, 575; 60 Cal. 81; 61 Cal. 277, 319; 64 Cal. 242; 66 Cal. 5; 69 Cal. 465, 470, 475, 479; 73 Cal. 76, 312, 622; 74 Cal. 26, 125; 76 Cal. 360, 450; 79 Cal. 354; 81 Cal. 489, 490, 497; 82 Cal. 341, 342, 344, 345, 483; 84 Cal. 76; 85 Cal. 346, 369; 86 Cal. 41; 87 Cal. 92, 606; 88 Cal. 373; 89 Cal. 522; 91 Cal. 249; 92 Cal. 297, 316; 94 Cal. 74, 621; 95 Cal. 111; 97 Cal. 433; 99 Cal. 560; 100 Cal. 571, 574; 102 Cal. 298, 304; 104 Cal. 275, 644, 647, 648; 109 Cal. 153; 111 Cal. 103, 105; 114 Cal. 147, 321, 322; 115 Cal. 514; 117 Cal. 573; 118 Cal. 403, 404-407; 120 Cal. 391, 394, 395; 123 Cal. 459, 460, 603, 607; 126 Cal. 386, 387, 392, 394, 396, 400, 401, 410; 127 Cal. 666; 131 Cal. 33; 132 Cal. 381, 442; 133 Cal. 104; 135 Cal. 519; 138 Cal. 131, 152; 141 Cal. 207, 213, 214, 215; 142 Cal. 515; 143 Cal. 553, 555, 556, 558, 560, 567, 569, 573; 144 Cal. 391; 145 Cal. 634, 688; 147 Cal. 535, 778; 148 Cal. 382, 629, 752; 150 Cal. 82; 151 Cal. 470, 472, 652, 654; 152 Cal. 7, 230, 594; 153 Cal. 165, 166, 169; 154 Cal. 225, 331; 155 Cal. 381, 382, 610, 788; 157 Cal. 418, 421, 716, 717, 719; 158 Cal. 85; 159 Cal. 437; 160 Cal. 37, 46, 131; 161 Cal. 280, 281; 166 Cal. 609; 167 Cal. 312, 320; 19 Cal. App. Dec. 440; 1 Cal. App. 633; 3 Cal. App. 274; 4 Cal. App. 238; 5 Cal. App. 578, 580, 581; 6 Cal. App. 223; 8 Cal. App. 55; 9 Cal. App. 781; 10 Cal. App. 468; 11 Cal. App. 361, 406, 407; 12 Cal. App. 529; 13 Cal. App. 277, 583, 774; 15 Cal. App. 588; 20 Cal. App. 19; 24 Cal. App. 347.

Consolidation of city and county governments.

SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applic-

able to cities, and also those applicable to counties, so far as not inconsistent or prohibited to cities, shall be applicable to such consolidated government. [*Amendment adopted November 6, 1894*]

Original text.—SEC. 7. City and county governments may be merged and consolidated into one municipal government, with one set of officers, and may be incorporated under general laws providing for the incorporation and organization of corporations for municipal purposes. The provisions of this Constitution applicable to cities, and also those applicable to counties, so far as not inconsistent or not prohibited to cities, shall be applicable to such consolidated government. In consolidated city and county governments of more than one hundred thousand population, there shall be two boards of supervisors or houses of legislation—one of which, to consist of twelve persons, shall be elected by general ticket from the city and county at large, and shall hold office for the term of four years, but shall be so classified that after the first election only six shall be elected every two years; the other, to consist of twelve persons, shall be elected every two years, and shall hold office for the term of two years. Any vacancy occurring in the office of supervisor, in either board, shall be filled by the mayor or other chief executive officer.

55 Cal. 243-252; 56 Cal. 104; 58 Cal. 566; 60 Cal. 81; 61 Cal. 37, 277; 64 Cal. 242; 79 Cal. 113; 84 Cal. 306; 91 Cal. 590; 111 Cal. 103; 113 Cal. 645; 114 Cal. 320, 321; 118 Cal. 408; 129 Cal. 574.

County charters.

SEC. 7½. Any county may frame a charter for its own government consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), and relating to matters authorized by provisions of the Constitution, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by the vote of three fifths of all the members of the board of supervisors of such county, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said county, or in pursuance of a petition of qualified electors of said county as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said county, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, praying for the election of a board of fifteen freeholders

to prepare and propose a charter for said county, may be filed in the office of the county clerk. It shall be the duty of said county clerk, within twenty days after the filing of said petition, to examine the same, and to ascertain from the record of the registration of electors of the county, whether said petition is signed by the requisite number of qualified electors. If required by said clerk, the board of supervisors shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall immediately present said petition to the board of supervisors, if it be in session, otherwise at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said board of supervisors shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid or the presentation of said petition to said board of supervisors; *provided*, that if a general election shall occur in said county not less than twenty days nor more than sixty days after the adoption of the ordinance aforesaid, or such presentation of said petition to said board of supervisors, said board of freeholders may be elected at such general election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general law for the nomination, by petition of electors, of candidates for county offices, to be voted for at general elections. It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said board of supervisors, to prepare and propose a charter for said county, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the county clerk of said county and the other in the office of the county recorder thereof. Said Board of Supervisors shall thereupon cause said proposed charter to be published for at least ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such

daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; and *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county, and the first publication or the posting of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the county clerk. Said proposed charter shall be submitted by said board of supervisors to the qualified electors of said county at a special election held not less than thirty days nor more than sixty days after the completion of such publication, or after such posting; *provided*, that if a general election shall occur in said county not less than thirty days nor more than sixty days after the completion of such publication, or after such posting, then such proposed charter may be so submitted at such general election. If a majority of said qualified electors, voting thereon at such general or special election, shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such county and shall become the organic law thereof relative to the matters therein provided, and supersede any existing charter framed under the provisions of this section, and all amendments thereof, and shall supersede all laws inconsistent with such charter relative to the matters provided in such charter. A copy of such charter, certified and authenticated by the chairman and clerk of the board of supervisors under the seal of said board and attested by the county clerk of said county, setting forth the submission of such charter to the electors of said county, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and filed, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of said county, shall be

filed in the office of the county clerk thereof, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the board of supervisors of the county to the qualified electors thereof at a general or special election held not less than thirty days nor more than sixty days after the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said county; *provided*, that in any county where no such daily newspaper is printed, published and circulated, such proposed charter shall be published for at least three times in at least one weekly newspaper, of general circulation, printed, published and circulated in such county; *provided*, that in any county where neither such daily nor such weekly newspaper is printed, published and circulated, a copy of such proposed charter shall be posted by the county clerk in three public places in said county, and on or near the entrance to at least one public schoolhouse in each school district in said county. If a majority of such qualified electors voting thereon, at such general or special election, shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by ten per centum of the qualified electors of any county, computed upon the total number of votes cast in said county for all candidates for Governor at the last general election, at which a Governor was elected, is filed in the office of the county clerk of said county, petitioning the board of supervisors thereof to submit any proposed amendment or amendments to the charter of such county, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the county clerk, and

if signed by the requisite number of qualified electors of such county, shall be presented to the said board of supervisors, by the said county clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said board of supervisors, said board must submit the amendment or amendments set forth therein to the qualified electors of said county at a general or special election held not less than thirty days nor more than sixty days after the publication or posting of such proposed amendment or amendments in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the board of supervisors. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held under the provisions of this section, for the election of boards of freeholders or for the submission of proposed charters, or any amendment or amendments thereto, shall be called by the board of supervisors, by ordinance, which shall specify the purpose and time of such election and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance, prior to such election, shall be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper, printed, published and circulated in said county; *provided*, that if no such daily or weekly newspaper be printed or published in such county, then a copy of such ordinance shall be posted by the county clerk in three public places in such county and in or near the entrance to at least one public schoolhouse in each school district therein. In all other respects, every such election shall be held and conducted, the returns thereof canvassed and the result thereof declared by the board of supervisors in the same manner as provided by law for general elections. Whenever boards of freeholders shall be elected, or any such proposed charter, or amendment or amendments thereto, submitted, at a general election, the general laws applicable to the election of county officers and the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto.

It shall be competent, in all charters, framed under the authority given by this section to provide, in addition to any

other provisions allowable by this constitution, and the same shall provide, for the following matters:

1. For boards of supervisors and for the constitution, regulation and government thereof, for the times at which and the terms for which the members of said board shall be elected, for the number of members, not less than three, that shall constitute such boards, for their compensation and for their election, either by the electors of the counties at large or by districts; *provided*, that in any event said board shall consist of one member for each district, who must be a qualified elector thereof; and

2. For sheriffs, county clerks, treasurers, recorders, license collectors, tax collectors, public administrators, coroners, surveyors, district attorneys, auditors, assessors and superintendents of schools, for the election or appointment of said officers, or any of them, for the times at which and the terms for which, said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and, if appointed, for the manner of their appointment; and

3. For the number of justices of the peace and constables for each township, or for the number of such judges and other officers of such inferior courts as may be provided by the Constitution or general law, for the election or appointment of said officers, for the times at which and the terms for which said officers shall be elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors, and if appointed, for the manner of their appointment; and

4. For the powers and duties of boards of supervisors and all other county officers, for their removal and for the consolidation and segregation of county offices, and for the manner of filling all vacancies occurring therein; *provided*, that the provisions of such charters relating to the powers and duties of boards of supervisors and all other county officers shall be subject to and controlled by general laws; and

4½. For the assumption and discharge by county officers of certain of the municipal functions of the cities and towns within the county, whenever, in the case of cities and towns incorporated under general laws, the discharge by county officers of such municipal functions is authorized by general law, or whenever, in the case of cities and towns organized under section eight of this article, the discharge by county officers of such

municipal functions is authorized by provisions of the charters, or by amendments thereto, of such cities or towns.

5. For the fixing and regulation by boards of supervisors, by ordinance, of the appointment and number of assistants, deputies, clerks, attaches and other persons to be employed, from time to time, in the several offices of the county, and for the prescribing and regulating by such boards of the powers, duties, qualifications and compensation of such persons, the times at which, and terms for which they shall be appointed, and the manner of their appointment and removal; and

6. For the compensation of such fish and game wardens, probation and other officers as may be provided by general law, or for the fixing of such compensation by boards of supervisors.

All elective officers of counties, and of townships, of road districts and of highway construction divisions therein shall be nominated and elected in the manner provided by general laws for the nomination and election of such officers.

All charters framed under the authority given by this section, in addition to the matters herein above specified, may provide as follows:

For offices other than those required by the Constitution and laws of the State, or for the creation of any or all of such offices by boards of supervisors, for the election or appointment of persons to fill such offices; for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For offices hereafter created by this constitution or by general law, for the election or appointment of persons to fill such offices, for the manner of such appointment, for the times at which and the terms for which such persons shall be so elected or appointed, and for their compensation, or for the fixing of such compensation by boards of supervisors.

For the formation, in such counties, of road districts for the care, maintenance, repair, inspection and supervision only of roads, highways and bridges; and for the formation, in such counties, of highway construction divisions for the construction only of roads, highways and bridges; for the inclusion in any such district or division, of the whole or any part of any incorporated city or town, upon ordinance passed by such incorporated city or town authorizing the same, and upon the assent to such inclusion by a majority of the qualified electors of such

incorporated city or town, or portion thereof, proposed to be so included, at an election held for that purpose; for the organization, government, powers and jurisdiction of such districts and divisions, and for raising revenue therein, for such purposes, by taxation, upon the assent of a majority of the qualified electors of such districts or divisions, voting at an election to be held for that purpose; for the incurring of indebtedness therefor by such counties, districts or divisions for such purposes respectively, by the issuance and sale, by the counties, of bonds of such counties, districts or divisions, and the expenditure of the proceeds of the sale of such bonds, and for levying and collecting taxes against the property of the counties, districts or divisions, as the case may be, for the payment of the principal and interest of such indebtedness at maturity; provided, that any such indebtedness shall not be incurred without the assent of two thirds of the qualified electors of the county, district or division, as the case may be, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also for a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same, and the procedure for voting, issuing and selling such bonds shall, except in so far as the same shall be prescribed in such charters, conform to general laws for the authorizing and incurring by counties of bonded indebtedness, so far as applicable; provided, further, that provisions in such charters for the construction, care, maintenance, repair, inspection and supervision of roads, highways and bridges for which aid from the State is granted, shall be subject to such regulations and conditions as may be imposed by the Legislature.

Whenever any county has framed and adopted a charter, and the same shall have been approved by the Legislature, as herein provided, the general laws adopted by the Legislature in pursuance of sections four and five of this article, shall, as to such county, be superseded by said charter as to matters for which, under this section it is competent to make provision in such charter, and for which provision is made therein, except as herein otherwise expressly provided; and except that any such charter shall not affect the tenure of office of the elective officers of the county, or of any district, township or division thereof,

in office at the time such charter goes into effect, and such officers shall continue to hold their respective offices until the expiration of the term for which they shall have been elected, unless sooner removed in the manner provided by law.

The charter of any county, adopted under the authority of this section, may be surrendered and annulled with the assent of two thirds of the qualified electors of such county, voting at a special election, held for that purpose, and to be ordered and called by the board of supervisors of the county upon receiving a written petition, signed and certified as hereinabove provided for the purposes of the adoption of charters, requesting said board to submit the question of the surrender and annulment of such charter to the qualified electors of such county, and, in the event of the surrender and annulment of any such charter, such county shall thereafter be governed under general laws in force for the government of counties.

The provisions of this section shall not be applicable to any county that is consolidated with any city. [*Amendment adopted November 3, 1914*]

Amendment of 1911.—Section 7½, a new section, was adopted October 10, 1911. The amended section adopted November 3, 1914, is in the same form as the original section except in the following particulars:

First—The first sentence of the original section read as follows: "Any county may frame a charter for its own government consistent with and subject to the Constitution (or having framed such a charter, may frame a new one) relating to the matters hereinafter in this section specified, and none other, by causing a board of fifteen freeholders, who have been for at least five years qualified electors thereof, to be elected by the qualified electors of said county, at a general or special election."

Second—A new paragraph, numbered 4½, was inserted in the latter part of the section dealing with essential provisions of county charters.

City charters.

SECTION 8. Any city or city and county containing a population of more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States or of the Legislature of California, may frame a charter for its own government, consistent with and subject to this constitution; and any city, or city and county having adopted a charter may adopt a new one. Any such charter shall be framed by a board of fifteen freeholders chosen by the electors of such city at any general or special election, but no person shall be eligible as a candidate

for such board unless he shall have been, for the five years next preceding, an elector of said city. An election for choosing freeholders may be called by a two-thirds vote of the legislative body of such city, and, on presentation of a petition signed by not less than fifteen per cent of the registered electors of such city, the legislative body shall call such election at any time not less than thirty nor more than sixty days from date of the filing of the petition. Any such petition shall be verified by the authority having charge of the registration records of such city or city and county and the expenses of such verification shall be provided by the legislative body thereof. Candidates for the office of freeholders shall be nominated either in such manner as may be provided for the nomination of officers of the municipal government or by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections. The board of freeholders shall, within one hundred and twenty days after the result of the election is declared, prepare and propose a charter for the government of such city; but the said period of one hundred and twenty days may with the consent of the legislative body of such city be extended by such board not exceeding a total of sixty days. The charter so prepared shall be signed by a majority of the board of freeholders and filed in the office of the clerk of the legislative body of said city. The legislative body of said city shall within fifteen days after such filing cause such charter to be published once in the official paper of said city; (or in case there be no such paper, in a paper of general circulation); and shall cause copies of such charter to be printed in convenient pamphlet form, and shall, until the date fixed for the election upon such charter, advertise in one or more papers of general circulation published in said city a notice that such copies may be had upon application therefor. Such charter shall be submitted to the electors of such city at a date to be fixed by the board of freeholders, before such filing and designated on such charter, either at a special election held not less than sixty days from the completion of the publication of such charter as above provided, or at the general election next following the expiration of said sixty days. If a majority of the qualified voters voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if then in session, or at the next regular or special session of the Legislature. The Legislature shall by concurrent

resolution approve or reject such charter as a whole, without power of alteration or amendment; and if approved by a majority of the members elected to each house it shall become the organic law of such city or city and county, and supersede any existing charter and all laws inconsistent therewith. One copy of the charter so ratified and approved shall be filed with the Secretary of State, one with the recorder of the county in which such city is located, and one in the archives of the city; and thereafter the courts shall take judicial notice of the provisions of such charter. The charter of any city or city and county may be amended by proposals therefor submitted by the legislative body of the city on its own motion or on petition signed by fifteen per cent of the registered electors, or both. Such proposals shall be submitted to the electors only during the six months next preceding a regular session of the Legislature or thereafter and before the final adjournment of that session and at either a special election called for that purpose or at any general or special election. Petitions for the submission of any amendment shall be filed with the legislative body of the city or city and county not less than sixty days prior to the general election next preceding a regular session of the Legislature. The signatures on such petitions shall be verified by the authority having charge of the registration records of such city or city and county, and the expenses of such verification shall be provided by the legislative body thereof. If such petitions have a sufficient number of signatures the legislative body of the city or city and county shall so submit the amendment or amendments so proposed to the electors. Amendments proposed by the legislative body and amendments proposed by petition of the electors may be submitted at the same election. The amendments so submitted shall be advertised in the same manner as herein provided for the advertisement of a proposed charter, and the election thereon held at a date to be fixed by the legislative body of such city, not less than forty and not more than sixty days after the completion of the advertising in the official paper. If a majority of the qualified voters voting on any such amendment vote in favor thereof it shall be deemed ratified, and shall be submitted to the Legislature at the regular session next following such election; and approved or rejected without power of alteration in the same manner as herein provided for the approval or rejection of a charter. In submitting any such charter or amendment separate propositions, whether alternative or conflicting, or one included within the other, may be submitted

at the same time to be voted on by the electors separately, and, as between those so related, if more than one receive a majority of the votes, the proposition receiving the larger number of votes shall control as to all matters in conflict. It shall be competent in any charter framed under the authority of this section to provide that the municipality governed thereunder may make and enforce all laws and regulations in respect to municipal affairs, subject only to the restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws. It shall be competent in any charter to provide for the division of the city or city and county governed thereby into boroughs or districts, and to provide that each such borough or district may exercise such general or special municipal powers, and to be administered in such manner, as may be provided for each such borough or district in the charter of the city or city and county.

The percentages of the registered electors herein required for the election of freeholders or the submission of amendments to charters shall be calculated upon the total vote cast in the city or city and county at the last preceding general State election; and the qualified electors shall be those whose names appear upon the registration records of the same or preceding year. The election laws of such city or city and county shall, so far as applicable, govern all elections held under the authority of this section. [*Amendment adopted November 3, 1914*]

Amendment of 1911.—SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants as ascertained and established by the last preceding census, taken under the direction of the Congress of the United States, or by a census of said city, taken, subsequent to the aforesaid census, under the direction of the legislative body thereof, under laws authorizing the taking of the census of cities, may frame a charter for its own government, consistent with, and subject to, the Constitution (or having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been, for at least five years, qualified electors thereof, to be elected by the qualified electors of said city, at a general or special municipal election. Said board of freeholders may be so elected in pursuance of an ordinance adopted by a vote of two thirds of all the members of the council, or other legislative body, of such city, declaring that the public interest requires the election of such board for the purpose of preparing and proposing a charter for said city, or in pursuance of a petition of qualified electors of said city, as hereinafter provided. Such petition, signed by fifteen per centum of the qualified electors of said city computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at

which a Governor was elected, praying for the election of a board of fifteen freeholders to prepare and propose a charter for said city, may be filed in the office of the city clerk thereof. It shall be the duty of said city clerk, within twenty days after the filing of said petition, to examine the same and to ascertain from the record of the registration of electors of the county, showing the registration of electors of said city, whether the petition is signed by the requisite number of qualified electors of such city. If required by said clerk, the council, or other legislative body, of said city shall authorize him to employ persons specially to assist him in the work of examining such petition, and shall provide for their compensation. Upon the completion of such examination, said clerk shall forthwith attach to said petition his certificate, properly dated, showing the result thereof, and if, by said certificate, it shall appear that said petition is signed by the requisite number of qualified electors, said clerk shall present the said petition to said council, or other legislative body, at its next regular meeting after the date of such certificate. Upon the adoption of such ordinance, or the presentation of such petition, said council, or other legislative body, shall order the holding of a special election for the purpose of electing such board of freeholders, which said special election shall be held not less than twenty days, nor more than sixty days after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than sixty days, after the adoption of the ordinance aforesaid, or the presentation of said petition to said council, or other legislative body, said board of freeholders may be elected at such general municipal election. Candidates for election as members of said board of freeholders shall be nominated by petition, substantially in the same manner as may be provided by general laws for the nomination by petition of electors of candidates for public offices to be voted for at general elections.

It shall be the duty of said board of freeholders, within one hundred and twenty days after the result of such election shall have been declared by said council, or other legislative body, to prepare and propose a charter for said city, which shall be signed in duplicate by the members of said board of freeholders, or a majority of them, and be filed, one copy in the office of the city clerk of said city, and the other in the office of the county recorder of the county in which said city is situated. Said council, or other legislative body, shall, thereupon, cause said proposed charter to be published for at least ten times, in a daily newspaper of general circulation, printed, published and circulated in said city; *provided*, that in any city where no such daily newspaper is printed, published and circulated, such proposed charter shall be published, for at least three times, in at least one weekly newspaper of general circulation, printed, published and circulated in said city, and, in any event, the first publication of such proposed charter shall be made within fifteen days after the filing of a copy thereof, as aforesaid, in the office of the city clerk. Such proposed charter shall be submitted by said council, or other legislative body, to the qualified electors of

said city at a special election held not less than twenty days, nor more than forty days, after the completion of such publication; *provided*, that if a general municipal election shall occur in said city not less than twenty days, nor more than forty days, after the completion of such publication, then such proposed charter may be so submitted at such general election. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of such proposed charter, it shall be deemed to be ratified, and shall be submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or it may be submitted to the Legislature in extraordinary session, for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, such charter shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the Constitution or not), and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer of said city, and authenticated under the seal of such city, setting forth the submission of such charter to the electors of said city, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate and deposited, one in the office of the Secretary of State and the other, after being recorded in the office of the recorder of the county in which such city is situated, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter.

The charter, so ratified, may be amended by proposals therefor submitted by the council, or other legislative body of the city, to the qualified electors thereof at a general or special municipal election held at intervals of not less than two years (except that charter amendments may be submitted at a general municipal election at an interval of less than two years after the last election on charter amendments; *provided*, that no other election on charter amendments has been held since the beginning of the last regular session of the State Legislature or shall be held prior to the next regular session of the State Legislature), and held not less than twenty days, nor more than forty days, after the completion of the publication of such proposals for ten times in a daily newspaper of general circulation, printed, published and circulated in said city, or for three times in at least one weekly newspaper of general circulation, printed, published and circulated in said city, if there be no such daily newspaper. If a majority of such qualified electors voting thereon at such general or special election shall vote in favor of any such proposed amendment or amendments, or any amendment or amendments proposed by petition, as hereinafter provided, such amendment or amendments shall be deemed to be ratified, and shall be forthwith submitted to the Legislature, if it be in regular session, otherwise at its next regular session, or may be submitted to the Legislature in extraordinary session, for approval

or rejection as a whole, without power of alteration or amendment, and if approved by the Legislature, as herein provided for the approval of the charter, such charter shall be amended accordingly. A copy of such amendment or amendments shall, after the approval thereof by the Legislature, be made in duplicate, and shall be authenticated, certified, recorded and filed as herein provided for the charter, and with like force and effect. Whenever a petition signed by fifteen per centum of the qualified electors of the city, computed upon the total number of votes cast therein for all candidates for Governor at the last preceding general election at which a Governor was elected, is filed in the office of the city clerk of said city, petitioning the council, or other legislative body thereof, to submit any proposed amendment or amendments to the charter of such city, which amendment or amendments shall be set forth in full in such petition, to the qualified electors thereof, such petition shall forthwith be examined and certified by the city clerk, and if signed by the requisite number of qualified electors of said city, it shall be presented to the said council, or other legislative body, by the said city clerk, as hereinbefore provided for petitions for the election of boards of freeholders. Upon the presentation of said petition to said council, or other legislative body, said council, or other legislative body, must submit the amendment or amendments set forth in said petition to the qualified electors of said city, at a general or special municipal election, held not less than twenty, nor more than forty, days after the completion of the publication of such proposed amendment or amendments, in the same manner as hereinbefore provided in the case of the submission of any proposed amendment or amendments to such charter, proposed and submitted by the council, or other legislative body. The first publication of any proposed amendment or amendments to such charter so proposed by petition shall be made within fifteen days after the aforesaid presentation of said petition to said council, or other legislative body. In submitting any such charter, amendment or amendments thereto, any alternative article or proposition may be presented for the choice of the electors, and may be voted on separately without prejudice to others.

Every special election held in any city under the provisions of this section, for the election of a board of freeholders, or for the submission of any proposed charter or any amendment or amendments thereto, shall be called by the council, or other legislative body thereof, by ordinance, which shall specify the purpose and time of such election, and shall establish the election precincts and designate the polling places therein, and the names of the election officers for each such precinct. Such ordinance shall, prior to such election, be published five times in a daily newspaper, or twice in a weekly newspaper, if there be no such daily newspaper printed, published and circulated in said city. Such election shall be held and conducted, the returns thereof canvassed, and the result thereof declared by the council, or other legislative body of such city, in the manner that is now or may be hereafter provided by general law for such elections in the particulars wherein such provision is now or may hereafter be made therefor, and in all other respects in the manner pro-

vided by law for general municipal elections, in so far as the same may be applicable thereto.

Whenever any board of freeholders shall be elected, or any such proposed charter or amendment or amendments thereto shall be submitted at a general municipal election, the laws governing the election of city officers or the submission of propositions to the vote of electors, shall be followed in so far as the same may be applicable thereto and not inconsistent herewith.

It shall be competent in any charter framed by any city under the authority given in this section, or by amendment to such charter, to provide, in addition to those provisions allowed by this Constitution and by the laws of the State, for the establishment of a borough system of government for the whole or any part of the territory of such city, by which one or more districts may be created therein, which districts shall be known as boroughs, and which shall exercise such special municipal powers as may be granted by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

All provisions of this section relating to the city clerk shall, in any city and county, be deemed to relate to the clerk of the legislative body thereof. [*Adopted October 10, 1911*]

Amendment of 1906.—SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution (or, having framed such a charter, may frame a new one), by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or, if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter (whether framed under the provisions of this section of the Constitution or not), and all amendments thereof, and all laws inconsistent

with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Adopted November 6, 1906*]

Amendment of 1902.—SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city, for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants, such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city at a general or special election, and if a majority of such qualified electors voting thereon shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and super-

sede any existing charter and all amendments thereof, and all laws inconsistent with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other, after being recorded in said recorder's office, shall be deposited in the archives of the city, and thereafter all courts shall take judicial notice of said charter. The charter, so ratified, may be amended at intervals of not less than two years by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof at a general or special election, held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by a majority of the electors voting thereon, and approved by the Legislature as herein provided for the approval of the charter. Whenever fifteen per cent of the qualified voters of the city shall petition the legislative authority thereof to submit any proposed amendment or amendments to said charter to the qualified voters thereof for approval, the legislative authority thereof must submit the same. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Adopted November 4, 1902*]

Amendment of 1892.—SEC. 8. Any city containing a population of more than three thousand five hundred inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy to the mayor thereof, or other chief executive officer of such city, and the other to the recorder of the county. Such proposed charter shall then be published in two daily newspapers of general circulation in such city for at least twenty days, and the first publication shall be made within twenty days after the completion of the charter; *provided*, that in cities containing a population of not more than ten thousand inhabitants such proposed charter shall be published in one such daily newspaper; and within not less than thirty days after such publication it shall be submitted to the qualified electors of said city, at a general or special election; and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment. Such approval may be made by concurrent resolution, and if approved by a majority vote of the members elected to each house it shall become the charter of such city, or if such city be

consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter, and all amendments thereof and all laws inconsistent with such charter. A copy of such charter, certified by the mayor or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall, after the approval of such charter by the Legislature, be made in duplicate, and deposited, one in the office of the Secretary of State, and the other after being recorded in said recorder's office, shall be deposited in the archives of the city; and thereafter all courts shall take judicial notice of said charter. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city to the qualified electors thereof, at a general or special election held at least forty days after the publication of such proposals for twenty days in a daily newspaper of general circulation in such city, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendments thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Adopted November 8, 1892*]

Amendment of 1887.—SEC. 8. Any city or consolidated city and county, containing a population of more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, or city and county, at any general or special election, whose duty it shall be, within one hundred days after such election to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the mayor, or other chief executive officer of such city or city and county, and the other to the recorder of deeds of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days, and such publication shall be commenced within twenty (20) days after the completion of the charter, and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors thereof at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment; and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and

all special laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of the recorder of deeds of the county, or city and county, among the archives of the city, or city and county. All courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by legislative authority of the city, or city and county, to the qualified voters thereof at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. Any city, or consolidated city and county, containing a population of more than ten thousand and not more than one hundred thousand inhabitants, may frame a charter for its own government, consistent with and subject to the Constitution and laws of the State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of said city, or city and county, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, or city and county, which shall be signed in duplicate by the members of such board, or a majority of them, and returned, one copy thereof to the mayor, or other chief executive officer of said city, or city and county, and the other to the recorder of the county, or city and county. Such proposed charter shall then be published in two daily papers of general circulation in such city, or city and county, for at least twenty days, and publication shall be commenced within twenty days after the completion of the charter; and within not less than thirty days after the completion of such publication it shall be submitted by the legislative authority of said city, or city and county, to the qualified electors of said city, or city and county, at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each house it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and shall supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the mayor, or other chief executive officer, and authenticated by the seal of such city, or city and county, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate,

and deposited, one in the office of the Secretary of State, and the other, after being recorded in the office of the recorder of deeds of the county, or city and county, among the archives of the city, or city and county; and thereafter all courts shall take judicial notice thereof. The charter so ratified may be amended, at intervals of not less than two years, by proposals therefor, submitted by the legislative authority of the city, or city and county, to the qualified electors thereof, at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others. [*Adopted April 12, 1887*]

Original text.—SEC. 8. Any city containing a population of more than one hundred thousand inhabitants may frame a charter for its own government, consistent with and subject to the Constitution and laws of this State, by causing a board of fifteen freeholders, who shall have been for at least five years qualified electors thereof, to be elected by the qualified voters of such city, at any general or special election, whose duty it shall be, within ninety days after such election, to prepare and propose a charter for such city, which shall be signed in duplicate by the members of such board, or a majority of them, and returned one copy thereof to the mayor, or other chief executive officer of such city, and the other to the recorder of deeds of the county. Such proposed charter shall then be published in two daily papers of general circulation in such city for at least twenty days, and within not less than thirty days after such publication it shall be submitted to the qualified electors of such city at a general or special election, and if a majority of such qualified electors voting thereat shall ratify the same, it shall thereafter be submitted to the Legislature for its approval or rejection as a whole, without power of alteration or amendment, and if approved by a majority vote of the members elected to each house, it shall become the charter of such city, or if such city be consolidated with a county, then of such city and county, and shall become the organic law thereof, and supersede any existing charter and all amendments thereof, and all special laws inconsistent with such charter. A copy of such charter, certified by the mayor, or chief executive officer, and authenticated by the seal of such city, setting forth the submission of such charter to the electors, and its ratification by them, shall be made in duplicate, and deposited, one in the office of the Secretary of State, the other, after being recorded in the office of recorder of deeds of the county, or city and county, among the archives of the city; all courts shall take judicial notice thereof. The charter so ratified may be amended at intervals of not less than two years, by proposals therefor submitted by legislative authority of the city, to the qualified voters thereof at a general or special election held at least sixty days after the publication of such proposals, and ratified by at least three fifths of the

qualified electors voting thereat, and approved by the Legislature as herein provided for the approval of the charter. In submitting any such charter, or amendment thereto, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

54 Cal. 405; 55 Cal. 253, 613, 616–8, 625; 56 Cal. 104; 60 Cal. 81, 347; 61 Cal. 277, 321; 69 Cal. 477; 73 Cal. 80, 82, 83, 87, 89, 90; 79 Cal. 174, 176; 82 Cal. 342, 344; 85 Cal. 243, 335, 343, 345; 86 Cal. 40, 51, 52, 55, 56, 57; 87 Cal. 605, 606; 92 Cal. 612, 614, 616; 97 Cal. 593; 100 Cal. 571, 572, 574; 105 Cal. 623, 624; 114 Cal. 147, 321, 364, 586; 115 Cal. 516; 119 Cal. 3, 233; 121 Cal. 265, 553; 123 Cal. 605; 126 Cal. 385, 390, 400, 406, 409, 412; 128 Cal. 463; 129 Cal. 574; 130 Cal. 89; 131 Cal. 264; 132 Cal. 375, 441; 133 Cal. 104, 344; 134 Cal. 52; 135 Cal. 515; 138 Cal. 131; 141 Cal. 207, 213; 142 Cal. 300; 143 Cal. 569; 145 Cal. 175, 291, 688, 742, 749; 147 Cal. 530, 534; 148 Cal. 133; 150 Cal. 74, 81, 82, 89, 92, 83; 151 Cal. 467; 152 Cal. 9; 153 Cal. 164; 155 Cal. 608; 157 Cal. 147; 158 Cal. 78, 83–87; 160 Cal. 46, 131; 161 Cal. 280, 281; 162 Cal. 100; 166 Cal. 79, 85, 89, 92; 4 Cal. App. 238; 6 Cal. App. 219, 224; 8 Cal. App. 235; 9 Cal. App. 781; 10 Cal. App. 384; 19 Cal. App. Dec. 440, 579.

San Francisco charter—Authorizing amendment to aid Panama-Pacific International Exposition.

SEC. 8*a*. The charter of the city and county of San Francisco may be amended, in addition to the method and the times provided in section eight of article XI of the Constitution, in the following particulars:

(*a*) Authorizing the city and county of San Francisco, a municipal corporation, by its legislative authority, to incur a bonded indebtedness in an amount not exceeding five million dollars, and to issue municipal bonds therefor, and to grant and turn over to the Panama-Pacific International Exposition Company (a corporation organized under the laws of the State of California March 22, 1910) the proceeds of said bonds, the same to be used and disbursed by said exposition company for the purpose of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue, as such legislative authority shall determine; the interest

on said bonds to not exceed five per centum per annum, and said bonds to be exempt from all taxes for State and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately by the treasurer of said city and county to the treasurer of said Panama-Pacific International Exposition Company, upon the demand of said treasurer of said exposition company, without the necessity of the approval of such demand by other authority, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of such exposition company;

(*b*) Providing that any bonded indebtedness incurred for the purposes aforesaid shall be exclusive of the bonded indebtedness of the said city and county limited by section nine of article XII of said charter;

(*c*) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, of that portion of Golden Gate Park in the city and county of San Francisco westerly from Twentieth avenue, as extended, for such exposition purposes, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(*d*) Granting to said Panama-Pacific International Exposition Company the exclusive possession and use, together with the management and control, for such exposition purposes, of any lands held by the board of education of the city and county of San Francisco, and by the city and county of San Francisco, not in actual use, such possession and use, also management and control, to terminate not later than one year after the closing of such exposition;

(*e*) Authorizing said Panama-Pacific International Exposition Company to temporarily close streets in the city and county of San Francisco westerly from Twentieth avenue, for such exposition purposes, and to have the exclusive possession and use, together with the management and control, of said streets for such exposition purposes, such possession and use, also management and control of said streets, to terminate not later than one year after the closing of such exposition.

Proposals to amend the charter of the city and county of San Francisco in the foregoing particulars may be submitted by

the legislative authority of said city and county to the electors of said city and county, at any general or special election (and a special election may be called therefor) held in said city and county, after the publication of such proposals in a newspaper of general circulation in said city and county, for such time as shall be determined by said legislative authority. Upon the ratification of any such proposed amendment by a majority of the electors of said city and county voting at such election on such proposed amendment, said proposed amendment receiving such majority vote shall become operative immediately as an amendment to said charter, without the necessity of approval thereof by the Legislature.

Any act of the legislative authority of the city and county of San Francisco, in submitting to the electors of said city and county, at any general or special election, proposals to amend the charter of said city and county in the foregoing particulars, including any notice by publication or otherwise of such proposals, and of such election, and the holding of such election, in accordance with the provisions hereof, before the adoption of this amendment, are hereby validated in all respects as if performed subsequent to the adoption of this amendment. The disbursement of all funds obtained from said bonds shall be accounted for by said Panama-Pacific International Exposition Company by an itemized statement thereof to be filed with the auditor of the city and county of San Francisco. [*New section adopted November 8, 1910*]

City charters, what may contain.

SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of this article, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches; and for the establishment, constitution, regulation, government and jurisdiction of municipal courts, with such civil and criminal jurisdiction as by law may be conferred upon inferior courts; and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for

the qualifications and compensation of said judges and of their clerks and attaches; *provided*, such municipal courts shall never be deprived of the jurisdiction given inferior courts created by general law.

In any city or any city and county, when such municipal court has been established, there shall be no other court inferior to the superior court; and pending actions, trials, and all pending business of inferior courts within the territory of such city or city and county, upon the establishment of any such municipal court, shall be and become pending in such municipal court, and all records of such inferior courts shall thereupon be and become the records of such municipal court.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches, and for all expenses incident to the holding of any election.

It shall be competent in any charter framed in accordance with the provisions of this section, or section eight of this article, for any city or consolidated city and county, and plenary authority is hereby granted, subject only to the restrictions of this article, to provide therein or by amendment thereto, the manner in which, the method by which, the times at which, and the terms for which the several county and municipal officers and employees whose compensation is paid by such city or city and county, excepting judges of the superior court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation,

method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such city or consolidated city and county, heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid.

5. It shall be competent in any charter or amendment thereof, which shall hereafter be framed under the authority given by section eight of this article, by any city having a population in excess of fifty thousand ascertained as prescribed by said section eight, to provide for the separation of said city from the county of which it has theretofore been a part and the formation of said city into a consolidated city and county to be governed by such charter, and to have combined powers of a city and county, as provided in this Constitution for consolidated city and county government, and further to prescribe in said charter the date for the beginning of the official existence of said consolidated city and county.

It shall also be competent for any such city, not having already consolidated as a city and county to hereafter frame, in the manner prescribed in section eight of this article, a charter providing for a city and county government, in which charter there shall be prescribed territorial boundaries which may include contiguous territory not included in such city, which territory, however, must be included in the county within which such city is located.

If no additional territory is proposed to be added, then, upon the consent to the separation of any such city from the county in which it is located, being given by a majority of the qualified electors voting thereon in such county and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and the approval thereof by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted and upon the date fixed therein said city shall be and become a consolidated city and county.

If additional territory which consists wholly of only one incorporated city or town, or which consists wholly of unincorporated territory, is proposed to be added, then, upon the consent to such separation of such territory and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified elec-

tors voting thereon in such city so proposing the separation, and also upon the approval of the proposal hereinafter set forth, by a majority of the qualified electors voting thereon in the whole of such additional territory, and the approval of said charter by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted, the indebtedness hereinafter referred to shall be deemed to have been assumed, and upon the date fixed in said charter such territory and such city shall be and become one consolidated city and county.

The proposal to be submitted to the territory proposed to be added shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be added) consolidate with the city of (herein insert name of the city initiating the proposition to form a city and county government) in a consolidated city and county government, and shall the charter as prepared by the city of (herein insert the name of the city initiating such proposition) be adopted as the charter of the consolidated city and county, and shall the said added territory become subject to taxation along with the entire territory of the proposed city and county, in accordance with the assessable valuation of the property of the said territory, for the following indebtedness of said city (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms reference to any debts to be assumed, and if none insert 'none')."

If additional territory is proposed to be added, which includes unincorporated territory and one or more incorporated cities or towns, or which includes more than one incorporated city or town, the consent of any such incorporated city or town shall be obtained by a majority vote of the qualified electors thereof voting upon a proposal substantially as follows:

"Shall (herein insert the name of the city or town to be included in such additional territory) be included in a district to be hereafter defined by the city of (herein insert the name of the city initiating the proposition to form a city and county government) which district shall, within two years from the date of this election, vote upon a proposal submitted as one indivisible question that such district to be then described and set forth shall consolidate with (herein insert name of the city initiating said consolidation proposition) in a consolidated city and county government, and also that a certain charter, to be

prepared by the city of (herein insert name of the city initiating such proposition) be adopted as the charter of such consolidated city and county, and that such district become subject to taxation along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city of (herein insert name of the city initiating such proposition) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities or towns to which the foregoing proposal shall have been submitted and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city initiating such consolidation proposal may desire to have included, the whole to form an area contiguous to said city, shall be created into a district by such city, and the proposal substantially as above prescribed to be used when the territory proposed to be added consists wholly of only one incorporated city or town, or wholly of unincorporated territory, shall, within two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to the separation of such district and of the city initiating the consolidation proposal being given by a majority of the qualified electors voting thereon in the county in which the city proposing such separation is located, and upon the ratification of such charter by a majority of the qualified electors voting thereon in such city, and upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the said district so proposed to be added, and upon the approval of said charter by the Legislature, as prescribed in section eight of this article, said charter shall be deemed adopted, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date fixed in said charter, such district and such city shall be and become one consolidated city and county.

6. It shall be competent for any consolidated city and county now existing, or which shall hereafter be organized, to annex territory contiguous to such consolidated city and county, unincorporated or otherwise, whether situated wholly in one county, or parts thereof be situate in different counties, said annexed territory to be an integral part of such city and county, pro-

vided that such annexation of territory shall only include any part of the territory which was at the time of the original consolidation of the annexing city and county, within the county from which such annexing city and county was formed, together with territory which was concurrently, or has since such consolidation been joined in a county government with the area of the original county not included in such consolidated city and county.

If additional territory, which consists wholly of only one incorporated city, city and county or town, or which consists wholly of unincorporated territory, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, then, upon the consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such additional territory is located, and upon the approval of such annexation proposal by a majority of the qualified electors voting thereon in such city and county, and also upon the approval of the proposal hereinafter set forth by a majority of the qualified electors voting thereon in the whole of such territory proposed to be annexed, the indebtedness hereinafter referred to shall be deemed to have been assumed, and at the time stated in such proposal, such additional territory and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

The proposal to be submitted to the territory proposed to be annexed, shall be substantially in the following form and submitted as one indivisible question:

"Shall the territory (herein designate in general terms the territory to be annexed) consolidate with the city and county of (herein insert the name of the city and county initiating the annexation proposal) in a consolidated city and county government, said consolidation to take effect (herein insert date when such consolidation shall take effect) and shall the said annexed territory become subject to taxation, as an integral part of the city and county so formed, in accordance with the assessable valuation of property of said territory for the following indebtedness of said city and county of (herein insert name of the city and county) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

If additional territory including unincorporated territory and one or more incorporated cities, cities and counties, or towns, or including more than one incorporated city, city and county, or town, is proposed to be annexed to any consolidated city and county now existing or which shall hereafter be organized, the consent of each such incorporated city, city and county, or town, shall be obtained by a majority vote of the qualified electors of any such incorporated city, city and county, or town, voting upon a proposal substantially as follows:

"Shall (herein insert name of the city, city and county, or town, to be included in such annexed territory) be included in a district to be hereafter defined by the city and county of (herein insert the name of the city and county initiating the annexation proposal) which district shall within two years from the date of this election vote upon a proposal submitted as one indivisible question, that such district to be then described and set forth shall consolidate with (herein insert name of the city and county initiating the annexation proposal) in a consolidated city and county government, and that such district become subject to taxation, along with the entire territory of the proposed city and county in accordance with the assessable valuation of the property of said district for the following indebtedness of said city and county of (herein insert name of the city and county initiating the annexation proposal) to wit: (herein insert in general terms, reference to any debts to be assumed and if none insert 'none')."

Any and all incorporated cities, cities and counties, or towns, to which the foregoing proposal shall have been submitted, and a majority of whose qualified electors voting thereon shall have voted in favor thereof, together with such unincorporated territory as the city and county initiating such annexation proposal may desire to have included, the whole to form an area contiguous to said city and county, shall be created into a district by said city and county, and the proposal substantially in the form above set forth to be used when the territory proposed to be added consists wholly of only one incorporated city, city and county, or town, or wholly of unincorporated territory, shall, within said two years, be submitted to the voters of said entire district as one indivisible question.

Upon consent to any such annexation being given by a majority of the qualified electors voting thereon in any county or counties in which any such territory proposed to be annexed

to said city and county is located, and upon the approval of any such annexation proposal by a majority of the qualified electors voting thereon in such city and county proposing such annexation, and also upon the approval of the proposal hereinbefore set forth by a majority of the qualified electors voting thereon in the whole of the district so proposed to be annexed, then, the said indebtedness referred to in said proposal shall be deemed to have been assumed, and upon the date stated in such annexation proposal such district and such city and county shall be and become one consolidated city and county, to be governed by the charter of the city and county proposing such annexation, and any subsequent amendment thereto.

Whenever any proposal is submitted to the electors of any county, territory, district, city, city and county, or town, as above provided, there shall be published, for at least five successive publications, in a newspaper of general circulation printed and published in any such county, territory, district, city, city and county, or town, the last publication to be not less than twenty days prior to any such election, a particular description of any territory or district to be separated, added, or annexed, together with a particular description of any debts to be assumed, as above referred to, unless such particular description is contained in the said proposal so submitted. In addition to said description, such territory shall also be designated in such notice by some appropriate name or other words of identification, by which such territory may be referred to and indicated upon the ballots to be used at any election at which the question of annexation or consolidation of additional territory is submitted as herein provided. If there be no such newspaper so printed and published in any such county, territory, district, city, city and county, or town, then such publication may be made in any newspaper of general circulation printed and published in the nearest county, city, city and county, or town where there may be such a newspaper so printed and published.

If, by the adoption of any charter, or by annexation, any incorporated municipality becomes a portion of a city and county, its property, debts and liabilities of every description shall be and become the property, debts and liabilities of such city and county.

Every city and county which shall be formed, or the territory of which shall be enlarged as herein provided from territory taken from any county or counties, shall be liable for a just

proportion of the debts and liabilities and be entitled to a just proportion of the property and assets of such county or counties, existing at the time such territory is so taken.

The provisions of this Constitution applicable to cities, and cities and counties, and also those applicable to counties, so far as not inconsistent or prohibited to cities, or cities and counties, shall be applicable to such consolidated city and county government; and no provision of subdivision five or six of this section shall be construed as a restriction upon the plenary authority of any city or city and county having a freeholders' charter, as provided for in this Constitution, to determine in said charter any and all matters elsewhere in this Constitution authorized and not inconsistent herewith.

The Legislature shall provide for the formation of one or more counties from the portion or portions of a county or counties remaining after the formation of or annexation to a consolidated city and county, or for the transfer of such portion or portions of such original county or counties to adjoining counties. But such transfer to an adjoining county shall only be made after approval by a majority vote of the qualified electors voting thereon in such territory proposed to be so transferred.

The provisions of section two of this article, and also those provisions of section three of this article which refer to the passing of any county line within five miles of the exterior boundary of a city or town in which a county seat of any county proposed to be divided is situated, shall not apply to the formation of, nor to the extension of the territory of such consolidated cities and counties, nor to the formation of new counties, nor to the annexation of existing counties, as herein specified.

Any city and county formed under this section shall have the right, if it so desires, to be designated by the official name of the city initiating the consolidation as it existed immediately prior to its adoption of a charter providing for a consolidated city and county government, except that such city and county shall be known under the style of a city and county.

It shall be competent in any charter framed for a consolidated city and county, or by amendment thereof, to provide for the establishment of a borough system of government for the whole or any part of the territory of said city and county, by which one or more districts may be created therein, which districts shall be known as boroughs and which shall exercise such

municipal powers as may be granted thereto by such charter, and for the organization, regulation, government and jurisdiction of such boroughs.

No property in any territory hereafter consolidated with or annexed to any city or city and county shall be taxed for the payment of any indebtedness of such city or city and county outstanding at the date of such consolidation or annexation and for the payment of which the property in such territory was not, prior to such consolidation or annexation, subject to such taxation, unless there shall have been submitted to the qualified electors of such territory the proposition regarding the assumption of indebtedness as hereinbefore set forth and the same shall have been approved by a majority of such electors voting thereon.

7. In all cases of annexation of unincorporated territory to an incorporated city, or the consolidation of two or more incorporated cities, assumption of existing bonded indebtedness by such unincorporated territory or by either of the cities so consolidating may be made by a majority vote of the qualified electors voting thereon in the territory or city which shall assume an existing bonded indebtedness. This provision shall apply whether annexation or consolidation is effected under this section or any other section of this Constitution, and the provisions of section eighteen of this article shall not be a prohibition thereof.

The Legislature shall enact such general laws as may be necessary to carry out the provisions of this section and such general or special laws as may be necessary to carry out the provisions of subdivisions five and six of this section, including any such general or special act as may be necessary to permit a consolidated city and county to submit a new charter to take effect at the time that any consolidation, by reason of annexation to such consolidated city and county, takes effect, and, also, any such general law or special act as may be necessary to provide for any period after such consolidation, by reason of such annexation, takes effect, and prior to the adoption and approval of any such new charter. [*Amendment adopted November 3, 1914*]

Amendment of 1911.—SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at

which, and the terms for which the judges of such courts shall be elected or appointed, and for the qualifications and compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards and of the municipal police force.

4. For the manner in which and the times at which any municipal election shall be held and the result thereof determined; for the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent, in any charter framed under said section eight of said article eleven, or by amendment thereto, to provide for the manner in which, the times at which and the terms for which the several county and municipal officers and employees whose compensation is paid by such city and county, excepting judges of the Superior Court, shall be elected or appointed, and for their recall and removal, and for their compensation, and for the number of deputies, clerks and other employees that each shall have, and for the compensation, method of appointment, qualifications, tenure of office and removal of such deputies, clerks and other employees. All provisions of any charter of any such consolidated city and county heretofore adopted, and amendments thereto, which are in accordance herewith, are hereby confirmed and declared valid. [*Adopted October 10, 1911*]

Amendment of 1896.—SEC. 8½. It shall be competent, in all charters framed under the authority given by section eight of article eleven of this Constitution, to provide, in addition to those provisions allowable by this Constitution and by the laws of the State, as follows:

1. For the constitution, regulation, government, and jurisdiction of police courts, and for the manner in which, the times at which, and the terms for which the judges of such courts shall be elected or appointed, and for the compensation of said judges and of their clerks and attaches.

2. For the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, and the number which shall constitute any one of such boards.

3. For the manner in which, the times at which, and the terms for which the members of the boards of police commissioners shall be elected or appointed; and for the constitution, regulation, com-

pensation, and government of such boards and of the municipal police force.

4. For the manner in which, the times at which, and the terms for which the members of all boards of election shall be elected or appointed, and for the constitution, regulation, compensation, and government of such boards, and of their clerks and attaches; and for all expenses incident to the holding of any election.

Where a city and county government has been merged and consolidated into one municipal government, it shall also be competent in any charter framed under said section eight of said article eleven, to provide for the manner in which, the times at which, and the terms for which the several county officers shall be elected or appointed, for their compensation, and for the number of deputies that each shall have, and for the compensation payable to each of such deputies. [*New section adopted November 3, 1896*]

120 Cal. 397, 398, 399, 400; 126 Cal. 406, 410, 411; 128 Cal. 462; 132 Cal. 441, 442, 443, 444, 447; 135 Cal. 514, 515, 517, 520; 136 Cal. 586, 587; 145 Cal. 53, 742, 744, 748; 148 Cal. 133; 151 Cal. 470, 472; 153 Cal. 164, 165; 157 Cal. 419 *et seq.*, 484; 160 Cal. 209; 167 Cal. 320; 3 Cal. App. 719, 721; 6 Cal. App. 224, 738, 740; 13 Cal. App. 773; 15 Cal. App. 588; 19 Cal. App. Dec. 579.

Compensation of municipal officer not to be increased nor term extended.

SEC. 9. The compensation of any county, city, town, or municipal officer shall not be increased after his election or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

61 Cal. 277; 62 Cal. 563, 566; 67 Cal. 119; 81 Cal. 497, 590; 83 Cal. 362; 85 Cal. 596; 87 Cal. 396; 92 Cal. 319; 94 Cal. 603, 608, 618, 623, 627; 95 Cal. 473, 474, 475; 97 Cal. 590; 98 Cal. 221, 223; 104 Cal. 66, 644, 649; 109 Cal. 508, 517; 114 Cal. 123; 118 Cal. 309, 362; 129 Cal. 527; 136 Cal. 65; 138 Cal. 16; 144 Cal. 277; 145 Cal. 197; 155 Cal. 754, 757, 761; 157 Cal. 157; 162 Cal. 615, 616, 617, 619; 165 Cal. 87; 167 Cal. 520; 8 Cal. App. 22, 44, 46; 11 Cal. App. 578, 580, 581; 14 Cal. App. 664; 18 Cal. App. 387, 389; 19 Cal. App. 771, 776, 777.

Municipality not released from taxes.

SEC. 10. [*Repealed November 8, 1910*]

Original text.—SEC. 10. No county, city, town, or other public or municipal corporation, nor the inhabitants thereof, nor the property therein, shall be released or discharged from its or their proportionate share of taxes to be levied for State purposes,

nor shall commutation for such taxes be authorized in any form whatsoever.

61 Cal. 277; 81 Cal. 497; 92 Cal. 319, 342; 104 Cal. 644.

Police regulations.

SEC. 11. Any county, city, town, or township may make and enforce within its limits all such local, police, sanitary, and other regulations as are not in conflict with general laws.

53 Cal. 481; 57 Cal. 607; 61 Cal. 277, 375; 62 Cal. 540; 65 Cal. 35, 270; 66 Cal. 450; 67 Cal. 103; 68 Cal. 296, 300; 69 Cal. 90, 92, 151, 610; 71 Cal. 204; 72 Cal. 115, 125; 73 Cal. 77, 148, 571, 372, 541, 633; 74 Cal. 23; 76 Cal. 512; 77 Cal. 542; 81 Cal. 497; 84 Cal. 305; 87 Cal. 91, 165; 90 Cal. 620; 91 Cal. 590; 92 Cal. 296, 342; 94 Cal. 391; 96 Cal. 356, 607, 608; 98 Cal. 73, 556, 684; 99 Cal. 560; 102 Cal. 163, 172, 489; 103 Cal. 114; 104 Cal. 278, 644; 105 Cal. 161; 106 Cal. 283; 108 Cal. 327; 109 Cal. 321; 112 Cal. 70; 124 Cal. 347; 128 Cal. 435; 129 Cal. 574; 131 Cal. 466; 134 Cal. 70, 75, 111, 145; 139 Cal. 183; 140 Cal. 230; 143 Cal. 371; 145 Cal. 631, 637, 640; 147 Cal. 334; 149 Cal. 761; 150 Cal. 80, 82, 84, 91; 152 Cal. 470; 154 Cal. 322, 682; 155 Cal. 117; 158 Cal. 745; 162 Cal. 711; 163 Cal. 220, 459; 164 Cal. 324, 325; 166 Cal. 9, 12; 48 Cal. Dec. 19, 23, 176, 177, 179, 181, 189, 190; 1 Cal. App. 184; 2 Cal. App. 722, 768; 5 Cal. App. 499, 597; 6 Cal. App. 10; 8 Cal. App. 297, 443, 445, 446, 565, 679; 9 Cal. App. 74, 781; 11 Cal. App. 514, 520; 12 Cal. App. 259, 326; 17 Cal. App. 60; 20 Cal. App. 270, 363, 367; 21 Cal. App. 277; 22 Cal. App. 120; 23 Cal. App. 787, 789; 19 Cal. App. Dec. 439, 508, 754, 763.

Only municipality can tax for municipal purposes.

SEC. 12. The Legislature shall have no power to impose taxes upon counties, cities, towns or other public or municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but may, by general laws, vest in the corporate authorities thereof the power to assess and collect taxes for such purposes.

54 Cal. 536; 56 Cal. 508; 58 Cal. 624, 644; 60 Cal. 32, 35, 155; 61 Cal. 277; 62 Cal. 643; 65 Cal. 271, 288, 290; 66 Cal. 449, 450, 451; 69 Cal. 90, 149; 71 Cal. 313; 73 Cal. 77, 372; 74 Cal. 117; 77 Cal. 543; 87 Cal. 503, 607; 88 Cal. 359; 92 Cal. 319, 342; 93 Cal. 418; 97 Cal. 218, 219; 99 Cal. 561; 100 Cal. 268, 272; 102 Cal. 111, 471; 104 Cal. 644; 112 Cal. 70; 117 Cal. 86; 121 Cal.

551; 124 Cal. 696; 129 Cal. 602, 604; 134 Cal. 148; 137 Cal. 520; 141 Cal. 210; 143 Cal. 567; 144 Cal. 333; 150 Cal. 90; 154 Cal. 335; 167 Cal. 286, 287; 48 Cal. Dec. 39; 5 Cal. App. 648; 8 Cal. App. 439.

No delegation as to municipal improvements to private corporations—Exception.

SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association or individual any power to make, control, appropriate, supervise or in any way interfere with any county, city, town or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments or perform any municipal function whatever, except that the Legislature shall have power to provide for the supervision, regulation and conduct, in such manner as it may determine, of the affairs of irrigation districts, reclamation districts or drainage districts, organized or existing under any law of this State. [*Amendment adopted November 3, 1914*]

Original text.—SEC. 13. The Legislature shall not delegate to any special commission, private corporation, company, association, or individual, any power to make, control, appropriate, supervise, or in any way interfere with any county, city, town, or municipal improvement, money, property, or effects, whether held in trust or otherwise, or to levy taxes or assessments, or perform any municipal functions whatever.

55 Cal. 618; 60 Cal. 32; 61 Cal. 277; 71 Cal. 311, 312, 313, 314, 630, 631; 80 Cal. 270; 81 Cal. 497; 86 Cal. 48; 87 Cal. 607; 88 Cal. 359, 412; 97 Cal. 219; 99 Cal. 560; 112 Cal. 329, 564; 118 Cal. 308; 125 Cal. 193, 194; 126 Cal. 134; 133 Cal. 103; 144 Cal. 333; 148 Cal. 631; 150 Cal. 82, 86; 152 Cal. 234; 48 Cal. Dec. 39; 23 Cal. App. 580.

Place of payment of municipal bonds.

SEC. 13¼. Any county, city and county, city, town, municipality, irrigation district, or other public corporation, issuing bonds under the laws of the State, is hereby authorized and empowered to make said bonds and the interest thereon payable at any place or places within or outside of the United States, and in any money, domestic or foreign, designated in said bonds. [*Amendment adopted November 3, 1914*]

Amendment of 1906.—SEC. 13¼. Nothing in this Constitution contained shall be construed as prohibiting the State or any county, city and county, city, town, municipality, or other public corporation, issuing bonds under laws of the State, to make said bonds payable at any place within the United States designated in said bonds. [*New section adopted November 6, 1906.*]

General laws as to inspection of merchandise.

SEC. 14. The Legislature may by general and uniform laws provide for the inspection, measurement and graduation of merchandise, manufactured articles and commodities, and may provide for the appointment of such officers as may be necessary for such inspection, measurement and graduation. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 14. No State office shall be continued or created in any county, city, town or other municipality, for the inspection, measurement, or graduation of any merchandise, manufacture, or commodity; but such county, city, town, or municipality may, when authorized by general law, appoint such officers.

55 Cal. 618; 59 Cal. 279; 61 Cal. 277; 73 Cal. 77; 81 Cal. 497; 98 Cal. 465; 164 Cal. 324, 325, 326; 19 Cal. App. Dec. 438.

Private property not taken for municipal debt.

SEC. 15. Private property shall not be taken or sold for the payment of the corporate debt of any political or municipal corporation.

61 Cal. 277; 81 Cal. 498.

Public moneys to be deposited with treasurer.

SEC. 16. All moneys, assessments, and taxes belonging to or collected for the use of any county, city, town, or other public or municipal corporation, coming into the hands of any officer thereof, shall immediately be deposited with the treasurer, or other legal depositary, to the credit of such city, town, or other corporation, respectively, for the benefit of the funds to which they respectively belong.

61 Cal. 277; 81 Cal. 498; 84 Cal. 76; 86 Cal. 45; 87 Cal. 607; 92 Cal. 319, 342; 95 Cal. 150; 97 Cal. 219; 103 Cal. 493; 108 Cal. 565; 112 Cal. 315, 329; 113 Cal. 211; 120 Cal. 5; 126 Cal. 134; 146 Cal. 719.

Legal depositary for public moneys.

SEC. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, or of any irrigation district within

this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depositary bank or banks; *and provided, further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*Amended November 5, 1912*]

Amendment of 1906.—SEC. 16½. All moneys belonging to the State, or to any county or municipality within this State, may be deposited in any national bank or banks within this State, or in any bank or banks organized under the laws of this State, in such manner and under such conditions as may be provided by law; *provided*, that such bank or banks in which such moneys are deposited shall furnish as security for such deposits, bonds of the United States, or of this State or of any county, municipality or school district within this State, to be approved by the officer or officers designated by law, to an amount in value of at least ten per cent in excess of the amount of such deposit; *and provided*, that such bank or banks shall pay a reasonable rate of interest, not less than two per cent per annum on the daily balances therein deposited; *and provided*, that no deposit shall at any one time exceed fifty per cent of the paid-up capital stock of such depositary bank or banks; *and provided further*, that no officer shall deposit at one time more than twenty per cent of such public moneys available for deposit in any bank while there are other qualified banks requesting such deposits. [*New section adopted November 6, 1906*]

152 Cal. 8, 9.

Making profit out of public moneys prohibited.

SEC. 17. The making of profit out of county, city, town, or other public money, or using the same for any purpose not authorized by law, by any officer having the possession or control thereof, shall be a felony, and shall be prosecuted and punished as prescribed by law.

61 Cal. 277; 81 Cal. 498; 87 Cal. 608; 97 Cal. 219; 113 Cal. 211; 136 Cal. 445.

Municipal debt incurred in any year not to exceed income—Aid by Alameda to Panama-Pacific International Exposition.

SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent

of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum, for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided, further*, that the city of Vallejo, of Solano county, may pay its existing indebtedness, incurred in the construction of its waterworks, whenever two thirds of the electors thereof, voting at an election held for that purpose, shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. The city and county of San Francisco, the city of San Jose, and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred by it, to commence at a time after the incurring of such indebtedness of no more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void; *and provided, further*, that the county of Alameda may, upon the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, incur a bonded indebtedness of not to exceed one million dollars, and the legislative authority of said county of Alameda shall issue bonds therefor and grant and turn over to the Panama-Pacific International Exposition Company, a corporation organized under the laws of the State of California, March 22, 1910, the proceeds of said bonds for stock in said company or under such other terms and conditions as said legislative authority may determine, the same

to be used and disbursed by said exposition company for the purposes of an exposition to be held in the city and county of San Francisco to celebrate the completion of the Panama canal; said bonds, so issued, to be of such form and to be redeemable, registered and converted in such manner and amounts, and at such times not later than forty years from the date of their issue as the legislative authority of said county of Alameda shall determine; the interest on said bonds not to exceed five per centum per annum, and said bonds to be exempt from all taxes for State, county and municipal purposes, and to be sold for not less than par at such times and places, and in such manner, as shall be determined by said legislative authority; the proceeds of said bonds, when sold, to be payable immediately upon such terms or conditions as said legislative body may determine, to the treasurer of said Panama-Pacific International Exposition Company, upon demands of said treasurer of said exposition company, without the necessity of the approval of such demands by other authority, than said legislative authority of Alameda county, the same to be used and disbursed by said Panama-Pacific International Exposition Company for the purposes of such exposition, under the direction and control of said exposition company; and the legislative authority of said county of Alameda is hereby empowered and directed to levy a special tax on all taxable property in said county each year after the issue of said bonds to raise an amount to pay the interest on said bonds as the same become due, and to create a sinking fund to pay the principal thereof when the same shall become due. [*Amendment adopted November 3, 1914*]

Amendment of 1900.—SEC. 18. No county, city, town, township, board of education, or school districts, shall incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same; *provided, however*, that the city and county of San Francisco may at any time pay the unpaid claims, with interest thereon at the rate of five per cent per annum for materials furnished to and work done for said city and county during the forty-first, forty-second, forty-third, forty-fourth, and fiftieth fiscal years, and for unpaid teachers' salaries for the fiftieth fiscal year, out of the income and revenue of any succeeding year or years, the amount to be

paid in full of said claims not to exceed in the aggregate the sum of five hundred thousand dollars, and that no statute of limitations shall apply in any manner to these claims; *and provided further*, that the city of Vallejo, of Solano county, may pay its existing indebtedness incurred in the construction of its water works whenever two thirds of the electors thereof voting at an election held for that purpose shall so decide, and that no statute of limitations shall apply in any manner. Any indebtedness or liability incurred contrary to this provision, with the exceptions hereinbefore recited, shall be void. [*Amendment adopted November 6, 1900*]

Section 18 amended by adding the following, adopted November 6, 1906: The city and county of San Francisco, the city of San Jose and the town of Santa Clara may make provision for a sinking fund, to pay the principal of any indebtedness incurred, or to be hereafter incurred, by it, to commence at a time after the incurring of such indebtedness of not more than a period of one fourth of the time of maturity of such indebtedness, which shall not exceed seventy-five years from the time of contracting the same. Any indebtedness incurred contrary to any provision of this section shall be void.

Amendment of 1892.—SEC. 18. No county, city, town, township, board of education, or school district shall incur any indebtedness or liability in any manner, or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof, voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void. [*Adopted November 8, 1892*]

Original text.—SEC. 18. No county, city, town, township, board of education, or school district, shall incur any indebtedness or liability in any manner or for any purpose, exceeding in any year the income and revenue provided for it for such year, without the assent of two thirds of the qualified electors thereof voting at an election to be held for that purpose, nor unless, before or at the time of incurring such indebtedness, provision shall be made for the collection of an annual tax sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof within twenty years from the time of contracting the same. Any indebtedness or liability incurred contrary to this provision shall be void.

5 Cal. 288; 61 Cal. 277; 62 Cal. 642; 74 Cal. 259, 417; 75 Cal. 505; 80 Cal. 363; 81 Cal. 498; 86 Cal. 45; 89 Cal. 114; 92 Cal. 342; 97 Cal. 219; 99 Cal. 149, 413, 415; 107 Cal. 181, 184, 648; 109 Cal. 153; 111 Cal. 322; 112 Cal. 163, 313, 326, 540, 546; 113 Cal. 202; 115 Cal.

37; 118 Cal. 530, 531, 535, 544, 552; 119 Cal. 44, 227, 634; 124 Cal. 67; 131 Cal. 297; 135 Cal. 500; 136 Cal. 405; 143 Cal. 179; 144 Cal. 395; 146 Cal. 730, 732; 148 Cal. 709; 150 Cal. 86; 152 Cal. 172, 173, 177; 153 Cal. 374; 160 Cal. 41, 318, 319, 433; 48 Cal. Dec. 402; 7 Cal. App. 412, 413; 17 Cal. App. 293; 23 Cal. App. 583; 24 Cal. App. 354.

Municipal operation or regulation of public works.

SEC. 19. Any municipal corporation may establish and operate public works for supplying its inhabitants with light, water, power, heat, transportation, telephone service or other means of communication. Such works may be acquired by original construction or by the purchase of existing works, including their franchises, or both. Persons or corporations may establish and operate works for supplying the inhabitants with such services upon such conditions and under such regulations as the municipality may prescribe under its organic law, on condition that the municipal government shall have the right to regulate the charges thereof. A municipal corporation may furnish such services to inhabitants outside its boundaries; *provided*, that it shall not furnish any service to the inhabitants of any other municipality owning or operating works supplying the same service to such inhabitants, without the consent of such other municipality, expressed by ordinance. [*Amendment adopted October 10, 1911*]

Amendment of 1884.—SEC. 19. In any city where there are no public works owned and controlled by the municipality for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose, under and by authority of the laws of this State, shall, under the direction of the superintendent of streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof. [*Adopted November 4, 1884*]

Original text.—SEC. 19. No public work or improvement of any description whatsoever shall be done or made, in any city, in, upon or about the streets thereof, or otherwise, the cost and expense of which is made chargeable or may be assessed upon private property by special assessment, unless an estimate of

such cost and expense shall be made, and an assessment, in proportion to benefits, on the property to be affected or benefited, shall be levied, collected, and paid into the city treasury before such work or improvement shall be commenced, or any contract for letting or doing the same authorized or performed. In any city where there are no public works owned and controlled by the municipality, for supplying the same with water or artificial light, any individual, or any company duly incorporated for such purpose under and by authority of the laws of this State, shall, under the direction of the superintendent of streets, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages, have the privilege of using the public streets and thoroughfares thereof, and of laying down pipes and conduits therein, and connections therewith, so far as may be necessary for introducing into and supplying such city and its inhabitants either with gaslight or other illuminating light, or with fresh water for domestic and all other purposes, upon the condition that the municipal government shall have the right to regulate the charges thereof.

54 Cal. 246; 56 Cal. 654; 57 Cal. 616; 61 Cal. 24, 277; 62 Cal. 108, 209, 232, 238; 69 Cal. 466, 481, 482, 515; 72 Cal. 5, 6; 73 Cal. 75; 79 Cal. 281; 81 Cal. 497; 92 Cal. 342; 93 Cal. 161; 98 Cal. 618; 118 Cal. 584, 586; 129 Cal. 402, 403; 137 Cal. 118, 119; 142 Cal. 242, 287; 143 Cal. 371; 145 Cal. 632, 633, 634, 635, 639, 640; 148 Cal. 315, 327, 333, 370; 150 Cal. 558, 559; 151 Cal. 428; 152 Cal. 586, 594; 153 Cal. 27; 155 Cal. 651; 158 Cal. 82; 160 Cal. 38, 39, 40, 47, 111; 161 Cal. 281; 163 Cal. 111, 671, 672, 677; 166 Cal. 773, 775; 48 Cal. Dec. 175, 179, 291, 409; 1 Cal. App. 673, 677, 678; 2 Cal. App. 560, 722; 17 Cal. App. 342; 18 Cal. App. 34; 19 Cal. App. 366; 19 Cal. App. Dec. 821.

ARTICLE XII.

CORPORATIONS.

SECTION 1. Corporations may be formed under general laws, but shall not be created by special act. All laws now in force in the State concerning corporations, and all laws that may be hereafter passed pursuant to this section, may be altered from time to time or repealed. [Constitution of 1849, Art. IV, § 31]

54 Cal. 94; 61 Cal. 38; 62 Cal. 263; 73 Cal. 77; 77 Cal. 371; 83 Cal. 396, 413; 92 Cal. 316; 98 Cal. 53; 109 Cal. 584; 123 Cal. 527; 125 Cal. 412; 131 Cal. 33; 153 Cal. 702, 703; 154 Cal. 331, 334, 335; 155 Cal. 652; 157 Cal. 598; 160 Cal. 121; 1 Cal. App. 67; 11 Cal. App. 404, 405, 406.

Individual liability of corporators.

SEC. 2. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law. [Constitution of 1849, Art. IV, § 32]

62 Cal. 460, 463; 125 Cal. 410; 160 Cal. 585.

Liability of stockholders and directors.

SEC. 3. Each stockholder of a corporation, or joint-stock association, shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred, during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock, or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association, during the term of office of such director or trustee.

Nothing in the preceding paragraph of this section shall be held to apply to any exposition company organized to promote and carry on any international exposition or world's fair within the State of California, and the liability of stockholders in any such exposition company shall be and the same is hereby limited to an amount not exceeding the par value of the stock of said corporation subscribed for by such stockholders. [*Amendment adopted November 3, 1908*]

Original text.—SEC. 3. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for such proportion of all its debts and liabilities contracted or incurred during the time he was a stockholder, as the amount of stock or shares owned by him bears to the whole of the subscribed capital stock or shares of the corporation or association. The directors or trustees of corporations and joint-stock associations shall be jointly and severally liable to the creditors and stockholders for all moneys embezzled or misappropriated by the officers of such corporation or joint-stock association during the term of office of such director or trustee. [Constitution of 1849, Art. IV, § 36]

59 Cal. 286; 62 Cal. 448, 460; 63 Cal. 236, 239; 87 Cal. 32; 97 Cal. 95; 108 Cal. 425; 111 Cal. 63, 66, 67, 71; 114 Cal. 331; 116 Cal. 384; 122 Cal. 523, 524; 124 Cal. 150; 125 Cal. 410, 412; 136 Cal. 437, 449; 142 Cal. 384; 143 Cal. 224; 147 Cal. 640; 154 Cal. 353, 782; 160 Cal. 578, 580, 585, 586, 587; 165 Cal. 661, 664; 166 Cal. 349, 350; 167 Cal. 241; 48 Cal. Dec. 429;

4 Cal. App. 292, 293; 5 Cal. App. 705; 12 Cal. App. 695; 13 Cal. App. 27; 18 Cal. App. 738; 23 Cal. App. 466, 467; 20 Cal. App. Dec. 36.

Meaning of "corporations"—Power to sue and be sued.

SEC. 4. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships, and all corporations shall have the right to sue and be subject to be sued, in all courts, in like cases as natural persons. [Constitution of 1849, Art. IV, § 33]

95 Cal. 592; 153 Cal. 703.

Bank corporations only under general laws—No bank currency.

SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or associations may be formed for such purposes under general laws, and the Legislature shall provide for the classification of cities and towns by population for the purpose of regulating the business of banking. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States. [*Amendment adopted November 8, 1910*]

Original text.—SEC. 5. The Legislature shall have no power to pass any act granting any charter for banking purposes, but corporations or association may be formed for such purposes under general laws. No corporation, association, or individual shall issue or put in circulation, as money, anything but the lawful money of the United States. [Constitution of 1849, Art. IV, §§ 34, 35]

73 Cal. 77; 154 Cal. 331, 335.

Existing franchises void unless business commenced.

SEC. 6. All existing charters, grants, franchises, special or exclusive privileges, under which an actual and bona fide organization shall not have taken place, and business been commenced in good faith, at the time of the adoption of this Constitution, shall thereafter have no validity.

160 Cal. 122.

Extension of franchise of corporation—Remission of forfeiture.

SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any quasi-public corporation now existing or which shall

hereafter exist under the laws of this State. The term of existence of any other corporation now or hereafter existing under the laws of this State, may be extended at any time prior to the expiration of its corporate existence, for a period not exceeding fifty years from the date of such extension, by the vote or written consent of stockholders representing two thirds of its capital stock or of two thirds of the members thereof. A certificate of such vote or consent shall be signed and sworn to by the president and secretary, and by a majority of the directors of the corporation and filed and certified in the manner and upon payment of fees required by law for filing and certifying articles of incorporation, and thereupon the term of the corporation shall be extended for the period specified in such certificate, and such corporation shall thereafter pay all annual or other fees required by law to be paid by corporations. [*Amendment adopted November 3, 1908*]

Original text.—SEC. 7. The Legislature shall not extend any franchise or charter, nor remit the forfeiture of any franchise or charter of any corporation now existing, or which shall hereafter exist under the laws of this State.

91 Cal. 340; 121 Cal. 19; 154 Cal. 328, 329, 338, 339, 340; 155 Cal. 650.

Corporation property subject to condemnation—Police power not abridged.

SEC. 8. The exercise of the right of eminent domain shall never be so abridged or construed as to prevent the Legislature from taking the property and franchises of incorporated companies and subjecting them to public use the same as the property of individuals, and the exercise of the police power of the State shall never be so abridged or construed as to permit corporations to conduct their business in such manner as to infringe the rights of individuals or the general well-being of the State.

Corporation business limited by charter—Term of holding real estate.

SEC. 9. No corporation shall engage in any business other than that expressly authorized in its charter or the law under which it may have been or may hereafter be organized; nor shall it hold for a longer period than five years any real estate except such as may be necessary for carrying on its business.

107 Cal. 643; 133 Cal. 612; 143 Cal. 206; 3 Cal. App. 710.

Transfer of franchise does not relieve from liabilities.

SEC. 10. The Legislature shall not pass any laws permitting the leasing or alienation of any franchise, so as to relieve the franchise or property held thereunder from the liabilities of the lessor or grantor, lessee or grantee, contracted or incurred in the operation, use, or enjoyment of such franchise or any of its privileges.

72 Cal. 466; 116 Cal. 100; 152 Cal. 586; 154 Cal. 274.

Issuance of stock—Increase—Notice.

SEC. 11. No corporation shall issue stock or bonds, except for money paid, labor done, or property actually received, and all fictitious increase of stock or indebtedness shall be void. The stock and bonded indebtedness of corporations shall not be increased, except in pursuance of general law, nor without the consent of the persons holding the larger amount in value of the stock, at a meeting called for that purpose, giving sixty days' public notice, as may be provided by law.

56 Cal. 651, 652, 654, 655; 65 Cal. 617; 72 Cal. 56; 73 Cal. 77; 93 Cal. 307, 308, 309, 315; 117 Cal. 344; 135 Cal. 250, 582, 585; 147 Cal. 582; 152 Cal. 457; 154 Cal. 75; 157 Cal. 729; 159 Cal. 216, 218, 221, 222; 165 Cal. 671; 2 Cal. App. 130; 20 Cal. App. 701, 702, 706, 707.

Election of directors—Manner of voting—Exceptions.

SEC. 12. In all elections for directors or managers of corporations every stockholder shall have the right to vote, in person or by proxy, the number of shares of stock owned by him, for as many persons as there are directors or managers to be elected, or to cumulate said shares and give one candidate as many votes as the number of directors multiplied by the number of his shares of stock shall equal, or to distribute them, on the same principle, among as many candidates as he shall think fit; and such directors or managers shall not be elected in any other manner, except that members of cooperative societies formed for agricultural, mercantile, and manufacturing purposes may vote on all questions affecting such societies in manner prescribed by law.

67 Cal. 535; 109 Cal. 597.

State not to lend credit or own stock.

SEC. 13. The State shall not, in any manner, loan its credit, nor shall it subscribe to or be interested in the stock of any company, association, or corporation. [Constitution of 1849, Art. XI, § 10]

Place of business—Books.

SEC. 14. Every corporation other than religious, educational, or benevolent, organized or doing business in this State, shall have and maintain an office or place in this State for the transaction of its business, where transfers of stock shall be made, and in which shall be kept, for inspection by every person having an interest therein, and legislative committees, books in which shall be recorded the amount of capital stock subscribed, and by whom; the names of the owners of its stock, and the amounts owned by them, respectively; the amount of stock paid in, and by whom; the transfers of stock; the amount of its assets and liabilities, and the names and places of residence of its officers.

135 Cal. 584, 625; 2 Cal. App. 639; 13 Cal. App. 27.

Foreign corporations.

SEC. 15. No corporation organized outside the limits of this State shall be allowed to transact business within this State on more favorable conditions than are prescribed by law to similar corporations organized under the laws of this State.

97 Cal. 28; 99 Cal. 133; 115 Cal. 311; 146 Cal. 651; 155 Cal. 657; 156 Cal. 468, 471; 158 Cal. 281; 159 Cal. 221; 163 Cal. 281; 165 Cal. 660; 15 Cal. App. 683, 689, 690, 691.

County in which corporation to be sued.

SEC. 16. A corporation or association may be sued in the county where the contract is made or is to be performed, or where the obligation or liability arises or the breach occurs; or in the county where the principal place of business of such corporation is situated, subject to the power of the court to change the place of trial as in other cases.

65 Cal. 394; 66 Cal. 209; 71 Cal. 488, 490; 73 Cal. 183, 184, 185; 83 Cal. 469, 473, 493; 88 Cal. 611; 94 Cal. 137; 97 Cal. 138, 643; 98 Cal. 167; 102 Cal. 48, 333; 106 Cal. 58; 107 Cal. 380; 108 Cal. 262; 115 Cal. 200; 117 Cal. 52; 122 Cal. 649; 134 Cal. 587, 588, 589, 590.

136 Cal. 439; 141 Cal. 315; 144 Cal. 205, 207; 150 Cal. 468, 474, 475; 151 Cal. 159; 159 Cal. 696, 697, 698; 4 Cal. App. 370; 6 Cal. App. 87; 10 Cal. App. 72; 11 Cal. App. 226, 239; 12 Cal. App. 227; 15 Cal. App. 473, 474; 20 Cal. App. 107; 22 Cal. App. 169.

Common carriers—Connecting roads.

SEC. 17. All railroad, canal, and other transportation companies are declared to be common carriers, and subject to legislative control. Any association or corporation, organized for the purpose under the laws of this State, shall have the right to connect at the State line with railroads of other states. Every railroad company shall have the right with its road to intersect, connect with, or cross any other railroad, and shall receive and transport each the other's passengers, tonnage, and cars, without delay or discrimination.

132 Cal. 685; 2 Cal. App. 560; 3 Cal. App. 683.

Railroad official not to contract with company.

SEC. 18. No president, director, officer, agent, or employee of any railroad or canal company shall be interested, directly or indirectly, in the furnishing of material or supplies to such company, nor in the business of transportation as a common carrier of freight or passengers over the works owned, leased, controlled, or worked by such company, except such interest in the business of transportation as lawfully flows from the ownership of stock therein.

132 Cal. 686.

Public officials not to receive passes.

SEC. 19. No railroad or other transportation company shall grant free passes, or passes or tickets at a discount, to any person holding any office of honor, trust, or profit in this State; and the acceptance of any such pass or ticket by a member of the Legislature, or any public officer, other than Railroad Commissioner, shall work a forfeiture of his office.

114 Cal. 476; 132 Cal. 686.

No increase of rates without consent of railroad commission.

SEC. 20. No railroad or other transportation company shall raise any rate of charge for the transportation of freight or passengers or any charge connected therewith or incidental thereto, under any circumstances whatsoever, except upon a showing before the Railroad Commission provided for in this

Constitution, that such increase is justified, and the decision of the said commission upon the showing so made shall not be subject to review by any court except upon the question whether such decision of the commission will result in confiscation of property. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 20. No railroad company or other common carrier shall combine or make any contract with the owners of any vessel that leaves port or makes port in this State, or with any common carrier, by which combination or contract the earnings of one doing the carrying are to be shared by the other not doing the carrying. And whenever a railroad corporation shall, for the purpose of competing with any other common carrier, lower its rates for transportation of passengers or freight from one point to another, such reduced rates shall not be again raised or increased from such standard without the consent of the governmental authority in which shall be vested the power to regulate fares and freights.

132 Cal. 684, 686; 133 Cal. 26, 28; 144 Cal. 184, 193.

Discrimination in charges for transportation forbidden.

SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State. It shall be unlawful for any railroad or other transportation company to charge or receive any greater compensation in the aggregate for the transportation of passengers or of like kind of property for a shorter than for a longer distance over the same line or route in the same direction, the shorter being included within the longer distance, or to charge any greater compensation as a through rate than the aggregate of the intermediate rates; *provided, however*, that upon application to the Railroad Commission provided for in this Constitution such company may, in special cases, after investigation, be authorized by such commission to charge less for longer than for shorter distances for the transportation of persons or property and the Railroad Commission may from time to time prescribe the extent to which such company may be relieved from the prohibition to charge less for the longer than for the shorter haul. The Railroad Commission shall have power to authorize the issuance of excursion and commutation tickets at special rates. Nothing herein contained shall be construed to prevent the Railroad Commission from ordering and compelling any railroad or other transportation company to make reparation to any shipper on account of the rates charged to said shipper being excessive or discriminatory,

provided no discrimination will result from such reparation. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 21. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this State, or coming from or going to any other state. Persons and property transported over any railroad, or by any other transportation company or individual, shall be delivered at any station, landing, or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port, or landing. Excursion and commutation tickets may be issued at special rates.

109 Cal. 322; 122 Cal. 684, 686; 144 Cal. 193.

Railroad Commission created—Its powers prescribed.

SEC. 22. There is hereby created a railroad commission which shall consist of five members and which shall be known as the Railroad Commission of the State of California. The commission shall be appointed by the Governor from the State at large; *provided*, that the Legislature, in its discretion, may divide the State into districts for the purpose of such appointments, said districts to be as nearly equal in population as practicable; *and provided, further*, that the three commissioners in office at the time this section takes effect shall serve out the term for which they were elected, and that two additional commissioners shall be appointed by the Governor immediately after the adoption of this section, to hold office during the same term. Upon the expiration of said term, the term of office of each commissioner thereafter shall be six years, except the commissioners first appointed hereunder after such expiration, one of whom shall be appointed to hold office until January 1, 1917, two until January 1, 1919, and two until January 1, 1921. Whenever a vacancy in the office of commissioner shall occur, the Governor shall forthwith appoint a qualified person to fill the same for the unexpired term. Commissioners appointed for regular terms shall at the beginning of the term for which they are appointed, and those appointed to fill vacancies, shall, immediately upon their appointment, enter upon the duties of their offices. The Legislature shall fix the salaries of the commissioners, but pending such action the salaries of the commissioners, their officers and employees shall remain as now fixed by law. The Legislature shall have the power, by a two-thirds vote of all members elected to each house, to remove any one or more of said commissioners from office for dereliction of

duty or corruption or incompetency. All of said commissioners shall be qualified electors of this State, and no person in the employ of or holding any official relation to any person, firm or corporation, which said person, firm or corporation is subject to regulation by said Railroad Commission and no person owning stock or bonds of any such corporation or who is in any manner pecuniarily interested therein, shall be appointed to or hold the office of Railroad Commissioner. No vacancy in the commission shall impair the right of the remaining commissioners to exercise all the powers of the commission. The act of a majority of the commissioners when in session as a board shall be deemed to be the act of the commission; but any investigation, inquiry or hearing which the commission has power to undertake or to hold may be undertaken or held by or before any commissioner designated for the purpose by the commission, and every order made by a commissioner so designated, pursuant to such inquiry, investigation or hearing, when approved or confirmed by the commission ordered filed in its office, shall be deemed to be the order of the commission.

Said commission shall have the power to establish rates of charges for the transportation of passengers and freight by railroads and other transportation companies, and no railroad or other transportation company shall charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or freight, or for any service in connection therewith, between the points named in any tariff of rates, established by said commission, than the rates, fares and charges which are specified in such tariff. The commission shall have the further power to examine books, records and papers of all railroad and other transportation companies; to hear and determine complaints against railroad and other transportation companies; to issue subpœnas and all necessary process and send for persons and papers; and the commission and each of the commissioners shall have the power to administer oaths, take testimony and punish for contempt in the same manner and to the same extent as courts of record; the commission may prescribe a uniform system of accounts to be kept by all railroad and other transportation companies.

No provision of this Constitution shall be construed as a limitation upon the authority of the Legislature to confer upon the Railroad Commission additional powers of the same kind or different from those conferred herein which are not inconsistent with the powers conferred upon the Railroad Commission

in this Constitution, and the authority of the Legislature to confer such additional powers is expressly declared to be plenary and unlimited by any provision of this Constitution.

The provisions of this section shall not be construed to repeal in whole or in part any existing law not inconsistent herewith, and the "Railroad Commission Act" of this State approved February 10, 1911, shall be construed with reference to this constitutional provision and any other constitutional provision becoming operative concurrently herewith. And the said act shall have the same force and effect as if the same had been passed after the adoption of this provision of the Constitution and of all other provisions adopted concurrently herewith, except that the three commissioners referred to in said act shall be held and construed to be the five commissioners provided for herein. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 22. The State shall be divided into three districts as nearly equal in population as practicable, in each of which one railroad commissioner shall be elected by the qualified electors thereof at the regular gubernatorial elections, whose salary shall be fixed by law, and whose term of office shall be four years, commencing on the first Monday after the first day of January next succeeding their election. Said commissioners shall be qualified electors of the State and of the district from which they are elected, and shall not be interested in any railroad corporation, or other transportation company, as stockholder, creditor, agent, attorney, or employee; and the act of a majority of said commissioners shall be deemed the act of said commission. Said commissioners shall have the power, and it shall be their duty, to establish rates of charges for the transportation of passengers and freight by railroad or other transportation companies, and publish the same from time to time, with such changes as they may make; to examine the books, records, and papers of all railroad and other transportation companies, and for this purpose they shall have power to issue subpœnas and all other necessary process; to hear and determine complaints against railroad and other transportation companies, to send for persons and papers, to administer oaths, take testimony, and punish for contempt of their orders and processes, in the same manner and to the same extent as courts of record, and enforce their decisions and correct abuses through the medium of the courts. Said commissioners shall prescribe a uniform system of accounts to be kept by all such corporations and companies. Any railroad corporation or transportation company which shall fail or refuse to conform to such rates as shall be established by such commissioners, or shall charge rates in excess thereof, or shall fail to keep their accounts in accordance with the system prescribed by the commission, shall be fined not exceeding twenty thousand dollars for each offense; and every officer, agent, or employee of any such corporation or company, who shall demand or receive rates in excess thereof,

or who shall in any manner violate the provisions of this section, shall be fined not exceeding five thousand dollars, or be imprisoned in the county jail not exceeding one year. In all controversies, civil or criminal, the rates of fares and freights established by said commission shall be deemed conclusively just and reasonable, and in any action against such corporation or company for damages sustained by charging excessive rates, the plaintiff, in addition to the actual damage, may, in the discretion of the judge or jury, recover exemplary damages. Said commission shall report to the Governor, annually, their proceedings, and such other facts as may be deemed important. Nothing in this section shall prevent individuals from maintaining actions against any of such companies. The Legislature may, in addition to any penalties herein prescribed, enforce this article by forfeiture of charter or otherwise, and may confer such further powers on the commissioners as shall be necessary, to enable them to perform the duties enjoined on them in this and the foregoing section. The Legislature shall have power, by a two thirds vote of all the members elected to each house, to remove any one or more of said commissioners from office, for dereliction of duty, or corruption, or incompetency; and whenever, from any cause, a vacancy in office shall occur in said commission, the Governor shall fill the same by the appointment of a qualified person thereto, who shall hold office for the residue of the unexpired term, and until his successor shall have been elected and qualified.

56 Cal. 102; 79 Cal. 163; 105 Cal. 320, 544, 555; 132 Cal. 678, 684, 687, 689, 690; 133 Cal. 26, 27, 28; 142 Cal. 225; 166 Cal. 650, 652, 653, 654, 691, 692, 696, 743.

Public utilities—Supervision of—Local regulation.

SEC. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment, or any part of such railroad, canal, pipe line, plant, or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the railroad commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation.

The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution. From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; *provided, however*, that this section shall not affect such powers of control over public utilities as relate to the making and enforcement of local, police, sanitary and other regulations, other than the fixing of rates, vested in any city and county or incorporated city or town as, at an election to be held pursuant to law, a majority of the qualified electors of such city and county, or incorporated city or town, voting thereon, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; *and provided, further*, that where any such city and county, or incorporated city or town, shall have elected to continue any of its powers to make and enforce such local, police, sanitary and other regulations, other than the fixing of rates, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner prescribed by the Legislature; *and provided, further*, that this section shall not affect the right of any city and county or incorporated city or town, to grant franchises for public utilities upon the terms and conditions and in the manner prescribed by law. Nothing in this section shall be construed as a limitation upon any power conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith. [*Amendment adopted November 3, 1914*]

Amendment of 1911.—SEC. 23. Every private corporation, and every individual or association of individuals, owning, operating, managing, or controlling any commercial railroad, interurban railroad, street railroad, canal, pipe line, plant, or equipment; or any part of such railroad, canal, pipe line, plant or equipment within this State, for the transportation or conveyance of passengers, or express matter, or freight of any kind, including crude oil, or for the transmission of telephone or telegraph messages, or for the production, generation, transmission, delivery or furnishing of heat, light, water or power, or for the furnishing of storage or wharfage facilities, either directly or indirectly, to or for the public, and every common carrier, is hereby declared to be a public utility subject to such control and regulation by the Railroad Commission as may be provided by the Legislature, and every class of private corporations, individuals, or associations of individuals hereafter declared by the Legislature to be public utilities shall likewise be subject to such control and regulation. The Railroad Commission shall have and exercise such power and jurisdiction to supervise and regulate public utilities, in the State of California, and to fix the rates to be charged for commodities furnished, or services rendered by public utilities as shall be conferred upon it by the Legislature, and the right of the Legislature to confer powers upon the Railroad Commission respecting public utilities is hereby declared to be plenary and to be unlimited by any provision of this Constitution.

From and after the passage by the Legislature of laws conferring powers upon the Railroad Commission respecting public utilities, all powers respecting such public utilities vested in boards of supervisors, or municipal councils, or other governing bodies of the several counties, cities and counties, cities and towns, in this State, or in any commission created by law and existing at the time of the passage of such laws, shall cease so far as such powers shall conflict with the powers so conferred upon the Railroad Commission; *provided, however,* that this section shall not affect such powers of control over any public utility vested in any city and county, or incorporated city or town as, at an election to be held pursuant to laws to be passed hereafter by the Legislature, a majority of the qualified electors voting thereon of such city and county, or incorporated city or town, shall vote to retain, and until such election such powers shall continue unimpaired; but if the vote so taken shall not favor the continuation of such powers they shall thereafter vest in the Railroad Commission as provided by law; *and provided, further,* that where any such city and county or incorporated city or town shall have elected to continue any powers respecting public utilities, it may, by vote of a majority of its qualified electors voting thereon, thereafter surrender such powers to the Railroad Commission in the manner to be prescribed by the Legislature; or if such municipal corporation shall have surrendered any powers to the Railroad Commission, it may, by like vote, thereafter reinvest itself with such power. Nothing in this section shall be construed as a limitation upon any power

conferred upon the Railroad Commission by any provision of this Constitution now existing or adopted concurrently herewith. [*Amendment adopted October 10, 1911*]

48 Cal. Dec. 173, 174, 176.

Original Text.—SEC. 23. Until the Legislature shall district the State, the following shall be the railroad districts: The first district shall be composed of the counties of Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Humboldt, Lake, Lassen, Mendocino, Modoc, Napa, Nevada, Placer, Plumas, Sacramento, Shasta, Sierra, Siskiyou, Solano, Sonoma, Sutter, Tehama, Trinity, Yolo and Yuba, from which one Railroad Commissioner shall be elected. The second district shall be composed of the counties of Marin, San Francisco and San Mateo, from which one Railroad Commissioner shall be elected. The third district shall be composed of the counties of Alameda, Contra Costa, Fresno, Inyo, Kern, Los Angeles, Mariposa, Merced, Mono, Monterey, San Benito, San Bernardino, San Diego, San Joaquin, San Luis Obispo, Santa Barbara, Santa Clara, Santa Cruz, Stanislaus, Tulare, Tuolumne and Ventura, from which one Railroad Commissioner shall be elected.

142 Cal. 225; 166 Cal. 650, 652, 653, 654, 691, 692, 696, 743; 167 Cal 672.

Legislature may invest Railroad Commission with power to fix compensation for taking public utility property.

SEC. 23*a*. The Railroad Commission shall have and exercise such power and jurisdiction as shall be conferred upon it by the Legislature to fix the just compensation to be paid for the taking of any property of a public utility in eminent domain proceedings by the State or any county, city and county, incorporated city or town, or municipal water district, and the right of the Legislature to confer such powers upon the Railroad Commission is hereby declared to be plenary and to be unlimited by any provision of this Constitution. All acts of the Legislature heretofore adopted, which are in accordance herewith, are hereby confirmed and declared valid. [*New section adopted November 3, 1914*]

Duty on Legislature to enforce article.

SEC. 24. The Legislature shall pass all laws necessary for the enforcement of the provisions of this article.

ARTICLE XIII.

REVENUE AND TAXATION.

SECTION 1. All property in the State except as otherwise in this Constitution provided, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law, or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt, shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county, city and county, or municipal corporation within this State shall be exempt from taxation, except such lands and the improvements thereon located outside of the county, city and county, or municipal corporation owning the same as were subject to taxation at the time of the acquisition of the same by said county, city and county, or municipal corporation; *provided*, that no improvements of any character whatever constructed by any county, city and county or municipal corporation shall be subject to taxation. All lands or improvements thereon, belonging to any county, city and county, or municipal corporation, not exempt from taxation, shall be assessed by the assessor of the county, city and county, or municipal corporation in which said lands or improvements are located, and said assessment shall be subject to review, equalization and adjustment by the State Board of Equalization. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Amendment adopted November 3, 1914*]

Amendment of 1910.—SECTION 1. All property in the State except as otherwise in this Constitution provided not exempt under the laws of the United States, shall be taxed in proportion to its value to be ascertained as provided by law or as hereinafter provided. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *pro-*

vided, that a mortgage, deed of trust, contract, or other obligation by which a debt is secured when land is pledged as security for the payment thereof, together with the money represented by such debt shall not be considered property subject to taxation; *and further provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Amendment adopted November 8, 1910*]

Amendment of 1894.—SECTION 1. All property in the State not exempt under the laws of the United States, shall be taxed in proportion to its value to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that property used for free public libraries and free museums, growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [*Adopted November 6, 1894*]

Original text.—SECTION 1. All property in the State, not exempt under the laws of the United States, shall be taxed in proportion to its value, to be ascertained as provided by law. The word "property," as used in this article and section, is hereby declared to include moneys, credits, bonds, stocks, dues, franchises, and all other matters and things, real, personal, and mixed, capable of private ownership; *provided*, that growing crops, property used exclusively for public schools, and such as may belong to the United States, this State, or to any county or municipal corporation within this State, shall be exempt from taxation. The Legislature may provide, except in the case of credits secured by mortgage or trust deed, for a deduction from credits of debts due to bona fide residents of this State. [Constitution of 1849, Art. XI, § 14]

54 Cal. 353, 360, 361; 56 Cal. 202; 57 Cal. 594, 600, 603, 616; 58 Cal. 137, 138; 59 Cal. 94, 336; 62 Cal. 108, 112, 114; 63 Cal. 524; 64 Cal. 507; 65 Cal. 271, 457; 77 Cal. 138; 83 Cal. 406; 97 Cal. 220, 324; 103 Cal. 70; 108 Cal. 192, 193; 111 Cal. 86; 113 Cal. 397; 116 Cal. 23, 24; 117 Cal. 86; 119 Cal. 521, 522; 128 Cal. 592, 612; 131 Cal. 362, 613; 132 Cal. 268, 600; 134 Cal. 478; 137 Cal. 518, 519, 524, 525; 139 Cal. 210; 142 Cal. 225, 284, 290; 148 Cal. 85; 149 Cal. 583; 152 Cal. 767; 153 Cal. 778; 155 Cal. 146, 353, 354, 357.

358, 650, 651, 653; 157 Cal. 621; 160 Cal. 723, 801; 163 Cal. 708; 167 Cal. 426; 2 Cal. App. 68, 595; 19 Cal. App. 133.

Exemption on account of military service.

SEC. 1¼. The property to the amount of one thousand dollars of every resident in this State who has served in the army, navy, marine corps, or revenue marine service of the United States in time of war, and received an honorable discharge therefrom; or lacking such amount of property in his own name, so much of the property of the wife of any such person as shall be necessary to equal said amount; and property to the amount of one thousand dollars of the widow resident in this State, or if there be no such widow, of the widowed mother resident in this State, of every person who has so served and has died either during his term of service or after receiving honorable discharge from said service; and the property to the amount of one thousand dollars of pensioned widows, fathers, and mothers, resident in this State, of soldiers, sailors, and marines who served in the army, navy, or marine corps, or revenue marine service of the United States, shall be exempt from taxation; *provided*, that this exemption shall not apply to any person named herein owning property of the value of five thousand dollars or more, or where the wife of such soldier or sailor owns property of the value of five thousand dollars or more. No exemption shall be made under the provisions of this act of the property of a person who is not a legal resident of this State. [*New section adoptcd October 10, 1911*]

Exemption of church property.

SEC. 1½. All buildings, and so much of the real property on which they are situated as may be required for the convenient use and occupation of said buildings, when the same are used solely and exclusively for religious worship shall be free from taxation; *provided*, that no building so used which may be rented for religious purposes and rent received by the owner therefor, shall be exempt from taxation. [*New section adopted November 6, 1900*]

Exemption of State and municipal bonds.

SEC. 1¾. All bonds hereafter issued by the State of California, or by any county, city and county, municipal corporation, or district (including school, reclamation, and irrigation

districts) within said State, shall be free and exempt from taxation. [*New section adopted November 4, 1902*]

Exemption of college property.

SEC. 1*a*. Any educational institution of collegiate grade, within the State of California, not conducted for profit, shall hold exempt from taxation its buildings and equipment, its grounds within which its buildings are located, not exceeding one hundred acres in area, its securities and income used exclusively for the purposes of education. [*New section adopted November 3, 1914*]

Land and improvements separately assessed.

SEC. 2. Land, and the improvements thereon, shall be separately assessed. Cultivated and uncultivated land, of the same quality, and similarly situated, shall be assessed at the same value.

104 Cal. 622; 137 Cal. 525; 149 Cal. 87; 167 Cal. 426.

Method of assessment of land sectionized and not sectionized.

SEC. 3. Every tract of land containing more than six hundred and forty acres, and which has been sectionized by the United States government, shall be assessed, for the purposes of taxation, by sections or fractions of sections. The Legislature shall provide by law for the assessment, in small tracts, of all lands not sectionized by the United States government.

Exemption of vessels.

SEC. 4. All vessels of more than fifty tons burden registered at any port in this State and engaged in the transportation of freight or passengers, shall be exempt from taxation except for State purposes, until and including the first day of January, nineteen hundred thirty-five. [*New section adopted November 3, 1914*]

Former Sec. 4 repealed November 8, 1910.—A mortgage, deed of trust, contract, or other obligation by which a debt is secured, shall, for the purposes of assessment and taxation, be deemed and treated as an interest in the property affected thereby. Except as to railroad and other quasi public corporations, in case of debt so secured, the value of the property affected by such mortgage, deed of trust, contract, or obligation, less the value of such security, shall be assessed and taxed to the owner of the property, and the value of such security shall be assessed and taxed to the owner thereof, in the county, city, or district in which the property affected thereby is situate. The

taxes so levied shall be a lien upon the property and security, and may be paid by either party to such security; if paid by the owner of the security, the tax so levied upon the property affected thereby shall become a part of the debt so secured; if the owner of the property shall pay the tax so levied on such security, it shall constitute a payment thereon, and to the extent of such payment, a full discharge thereof; *provided*, that if any such security or indebtedness shall be paid by any such debtor or debtors, after assessment and before the tax levy, the amount of such levy may likewise be retained by such debtor or debtors, and shall be computed according to the tax levy for the preceding year.

57 Cal. 600; 59 Cal. 543, 544; 60 Cal. 36, 37, 58, 371; 65 Cal. 383, 384; 66 Cal. 213; 72 Cal. 36; 76 Cal. 293; 77 Cal. 137, 138; 83 Cal. 396; 84 Cal. 301; 89 Cal. 202; 91 Cal. 11; 96 Cal. 625, 627, 635, 637; 99 Cal. 609; 113 Cal. 397; 118 Cal. 492, 493; 121 Cal. 343; 123 Cal. 355; 128 Cal. 592, 593, 594, 597, 598, 610, 611; 129 Cal. 298; 131 Cal. 361; 134 Cal. 86, 87; 144 Cal. 435, 436; 145 Cal. 55; 153 Cal. 615; 155 Cal. 353, 354, 355, 357; 160 Cal. 74; 163 Cal. 709; 167 Cal. 426; 11 Cal. App. 463.

Contract to pay tax on borrowed money.

SEC. 5. [*Repealed November 6, 1906*]

Original text.—SEC. 5. Every contract hereafter made, by which a debtor is obligated to pay any tax or assessment on money loaned, or on any mortgage, deed of trust, or other lien, shall, as to any interest specified therein, and as to such tax or assessment, be null and void.

59 Cal. 544; 76 Cal. 292, 293; 91 Cal. 11; 96 Cal. 626; 99 Cal. 495, 608, 609, 611; 103 Cal. 376; 104 Cal. 107, 110; 110 Cal. 541; 123 Cal. 218; 131 Cal. 604; 140 Cal. 579; 8 Cal. App. 670.

Contract impairing power of taxation forbidden.

SEC. 6. The power of taxation shall never be surrendered or suspended by any grant or contract to which the State shall be a party.

Payment of real property taxes by installments.

SEC. 7. The Legislature shall have the power to provide by law for the payment of all taxes on real property by installments.

Taxpayer's annual property statement.

SEC. 8. The Legislature shall by law require each taxpayer in this State to make and deliver to the county assessor, annually, a statement, under oath, setting forth specifically all the real and personal property owned by such taxpayer, or in his possession, or under his control, at twelve o'clock meridian on the first Monday of March.

56 Cal. 206; 61 Cal. 103; 73 Cal. 622, 623, 624; 131 Cal. 39; 8 Cal. App. 439.

State and county boards of equalization.

SEC. 9. A State Board of Equalization, consisting of one member from each congressional district in this State, as the same existed in eighteen hundred and seventy-nine, shall be elected by the qualified electors of their respective districts, at the general election to be held in the year one thousand eight hundred and eighty-six, and at each gubernatorial election thereafter, whose term of office shall be for four years; whose duty it shall be to equalize the valuation of the taxable property in the several counties of the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to county assessments, and under such rules of notice as the State board may prescribe as to the action of the State board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll; *provided*, that no board of equalization shall raise any mortgage, deed of trust, contract or other obligation by which a debt is secured, money, or solvent credits, above its face value. The present State Board of Equalization shall continue in office until their successors, as herein provided for, shall be elected and shall qualify. The Legislature shall have power to redistrict the State into four districts, as nearly equal in population as practical, and to provide for the elections of members of said

Board of Equalization. [*Amendment adopted November 4, 1884*]

Original text.—SEC. 9. A state board of equalization, consisting of one member from each congressional district in this State, shall be elected by the qualified electors of their respective districts at the general election to be held in the year eighteen hundred and seventy-nine, whose term of office, after those first elected, shall be four years, whose duty it shall be to equalize the valuation of the taxable property of the several counties in the State for the purposes of taxation. The Controller of State shall be ex officio a member of the board. The boards of supervisors of the several counties of the State shall constitute boards of equalization for their respective counties, whose duty it shall be to equalize the valuation of the taxable property in the county for the purpose of taxation; *provided*, such State and county boards of equalization are hereby authorized and empowered, under such rules of notice as the county boards may prescribe as to the county assessments, and under such rules of notice as the state board may prescribe as to the action of the state board, to increase or lower the entire assessment roll, or any assessment contained therein, so as to equalize the assessment of the property contained in said assessment roll, and make the assessment conform to the true value in money of the property contained in said roll.

56 Cal. 102, 195; 59 Cal. 324, 329, 334; 60 Cal. 27, 30, 60; 61 Cal. 55, 101, 102; 66 Cal. 213; 67 Cal. 624, 625; 68 Cal. 497; 69 Cal. 474; 97 Cal. 324; 113 Cal. 401; 17 Cal. App. 548.

Property, where assessed.

SEC. 10. All property, except as otherwise in this Constitution provided, shall be assessed in the county, city, city and county, town or township, or district in which it is situated, in the manner prescribed by law. [*Amendment adopted November 8, 1910*]

Original text.—SEC. 10. All property, except as hereinafter in this section provided, shall be assessed in the county, city, city and county, town, township, or district in which it is situated, in the manner prescribed by law. The franchise, roadway, roadbed, rails, and rolling stock of all railroads operated in more than one county in this State shall be assessed by the State Board of Equalization at their actual value, and the same shall be apportioned to the counties, cities and counties, cities, towns, townships, and districts in which such railroads are located, in proportion to the number of miles of railway laid in such counties, cities and counties, cities, towns, townships, and districts.

56 Cal. 201, 205, 207; 59 Cal. 325; 60 Cal. 12, 28, 29, 31, 32, 33, 58, 59, 60; 61 Cal. 255; 63 Cal. 467, 469,

608; 64 Cal. 483; 82 Cal. 406; 83 Cal. 396, 401; 105 Cal. 591; 125 Cal. 499; 128 Cal. 592, 593; 137 Cal. 515, 660; 142 Cal. 223, 234; 143 Cal. 432; 148 Cal. 317, 322, 323; 149 Cal. 84, 85, 89; 153 Cal. 54; 158 Cal. 439; 164 Cal. 754; 167 Cal. 426; 48 Cal. Dec. 175, 179, 399–412; 49 Cal. Dec. 52; 5 Cal. App. 648; 14 Cal. App. 474; 22 Cal. App. 176.

Exemption of personal property.

SEC. 10½. The personal property of every householder to the amount of one hundred dollars, the articles to be selected by each householder, shall be exempt from taxation. [*New section adopted November 8, 1904*]

Income tax may be levied.

SEC. 11. INCOME taxes may be assessed to and collected from persons, corporations, joint-stock associations, or companies resident or doing business in this State, or any one or more of them, in such cases and amounts, and in such manner, as shall be prescribed by law.

No poll tax to be levied.

SEC. 12. No poll tax or head tax for any purpose whatsoever shall be levied or collected in the State of California. [*New section adopted November 3, 1914*]

Original text.—SEC. 12. The Legislature shall provide for the levy and collection of an annual poll tax, of not less than two dollars, on every male inhabitant of this State over twenty-one and under sixty years of age, except paupers, idiots, insane persons, and Indians not taxed. Said tax shall be paid into the State school fund.

104 Cal. 63, 64, 66; 135 Cal. 517; 148 Cal. 248.

Exemption of certain trees and vines.

SEC. 12¾. Fruit and nut bearing trees under the age of four years from the time of planting in orchard form, and grapevines under the age of three years from the time of planting in vineyard form, shall be exempt from taxation, and nothing in this article shall be construed as subjecting such trees and grapevines to taxation. [*New section adopted November 6, 1894*]

137 Cal. 524.

Legislature to provide for enforcement.

SEC. 13. The Legislature shall pass all laws necessary to carry out the provisions of this article.

56 Cal. 202; 83 Cal. 393, 394, 401, 402, 405, 406; 137 Cal. 525; 17 Cal. App. 548.

Basis of taxation for State purposes.

SEC. 14. Taxes levied, assessed and collected as hereinafter provided upon railroads, including street railways, whether operated in one or more counties; sleeping car, dining car, drawingroom car and palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies operating upon railroads in this State; companies doing express business on any railroad, steamboat, vessel or stage line in this State; telegraph companies; telephone companies; companies engaged in the transmission or sale of gas or electricity; insurance companies; banks, banking associations, savings and loan societies, and trust companies; and taxes upon all franchises of every kind and nature, shall be entirely and exclusively for State purposes, and shall be levied, assessed and collected in the manner hereinafter provided. The word "companies" as used in this section shall include persons, partnerships, joint stock associations, companies, and corporations.

(*a*) All railroad companies, including street railways, whether operated in one or more counties; all sleeping car, dining car, drawingroom car, and palace car companies, all refrigerator, oil, stock, fruit and other car-loaning and other car companies, operating upon the railroads in this State; all companies doing express business on any railroad, steamboat, vessel or stage line in this State; all telegraph and telephone companies; and all companies engaged in the transmission or sale of gas or electricity shall annually pay to the State a tax upon their franchises, roadways, roadbeds, rails, rolling stock, poles, wires, pipes, canals, conduits, rights of way, and other property, or any part thereof used exclusively in the operation of their business in this State, computed as follows: Said tax shall be equal to the percentages hereinafter fixed upon the gross receipts from operation of such companies, and each thereof within this State. When such companies are operating partly within and partly without this State, the gross receipts within this State shall be deemed to be all receipts on business beginning and ending within this State, and a proportion, based upon the proportion of the mileage within this State to the

entire mileage over which such business is done, of receipts on all business passing through, into, or out of this State.

The percentages above mentioned shall be as follows: On all railroad companies, including street railways, four per cent; on all sleeping car, dining car, drawingroom car, palace car companies, refrigerator, oil, stock, fruit, and other car-loaning and other car companies, three per cent; on all companies doing express business on any railroad, steamboat, vessel or stage line, two per cent; on all telegraph and telephone companies, three and one half per cent; on all companies engaged in the transmission or sale of gas or electricity, four per cent. Such taxes shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property above enumerated of such companies except as otherwise in this section provided; *provided*, that nothing herein shall be construed to release any such company from the payment of any amount agreed to be paid or required by law to be paid for any special privilege or franchise granted by any of the municipal authorities of this State.

(*b*) Every insurance company or association doing business in this State shall annually pay to the State a tax of one and one half per cent upon the amount of the gross premiums received upon its business done in this State, less return premiums and reinsurance in companies or associations authorized to do business in this State; *provided*, that there shall be deducted from said one and one half per cent upon the gross premiums the amount of any county and municipal taxes paid by such companies on real estate owned by them in this State. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon the property of such companies, except county and municipal taxes on real estate, and except as otherwise in this section provided; *provided*, that when by the laws of any other state or country, any taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, are imposed on insurance companies of this State, doing business in such other state or country, or upon their agents therein, in excess of such taxes, fines, penalties, licenses, fees, deposits of money, or of securities, or other obligations or prohibitions, imposed upon insurance companies of such other state or country, so long as such laws continue in force, the same obligations and prohibitions of whatsoever kind may be imposed by the Legislature upon insurance companies of such other state or country doing business in this State.

(c) The shares of capital stock of all banks, organized under the laws of this State, or of the United States, or of any other state and located in this State, shall be assessed and taxed to the owners or holders thereof by the State Board of Equalization, in the manner to be prescribed by law, in the city or town where the bank is located and not elsewhere. There shall be levied and assessed upon such shares of capital stock an annual tax, payable to the State, of one per centum upon the value thereof. The value of each share of stock in each bank, except such as are in liquidation, shall be taken to be the amount paid in thereon, together with its pro rata of the accumulated surplus and undivided profits. The value of each share of stock in each bank which is in liquidation shall be taken to be its pro rata of the actual assets of such bank. This tax shall be in lieu of all other taxes and licenses, State, county and municipal, upon such shares of stock and upon the property of such banks, except county and municipal taxes on real estate and except as otherwise in this section provided. In determining the value of the capital stock of any bank there shall be deducted from the value, as defined above, the value, as assessed for county taxes, of any real estate, other than mortgage interests therein, owned by such bank and taxed for county purposes. The banks shall be liable to the State for this tax and the same shall be paid to the State by them on behalf of the stockholders in the manner and at the time prescribed by law, and they shall have a lien upon the shares of stock and upon any dividends declared thereon to secure the amount so paid.

The moneyed capital, reserve, surplus, undivided profits and all other property belonging to unincorporated banks or bankers of this State, or held by any bank located in this State which has no shares of capital stock, or employed in this State by any branches, agencies, or other representatives of any banks doing business outside of the State of California, shall be likewise assessed and taxed to such banks or bankers by the said Board of Equalization, in the manner to be provided by law and taxed at the same rate that is levied upon the shares of capital stock of incorporated banks, as provided in the first paragraph of this subdivision. The value of said property shall be determined by taking the entire property invested in such business, together with all the reserve, surplus, and undivided profits, at their full cash value, and deducting therefrom the value as assessed for county taxes of any real estate, other than mortgage interests therein, owned by such bank and taxed for county pur-

poses. Such taxes shall be in lieu of all other taxes and licenses, state, county and municipal, upon the property of the banks and bankers, mentioned in this paragraph, except county and municipal taxes on real estate and except as otherwise in this section provided. It is the intention of this paragraph that all moneyed capital and property of the banks and bankers mentioned in this paragraph shall be assessed and taxed at the same rate as an incorporated bank, provided for in the first paragraph of this subdivision. In determining the value of the moneyed capital and property of the banks and bankers mentioned in this subdivision, the said State Board of Equalization shall include and assess to such banks all property and everything of value owned or held by them, which go to make up the value of the capital stock of such banks and bankers, if the same were incorporated and had shares of capital stock.

The word "banks" as used in this subdivision shall include banking association, savings and loan societies and trust companies, but shall not include building and loan associations.

(*d*) All franchises, other than those expressly provided for in this section, shall be assessed at their actual cash value, in the manner to be provided by law, and shall be taxed at the rate of one per centum each year, and the taxes collected thereon shall be exclusively for the benefit of the State.

(*e*) Out of the revenues from the taxes provided for in this section, together with all other state revenues, there shall be first set apart the moneys to be applied by the State to the support of the public school system and the State University. In the event that the above named revenues are at any time deemed insufficient to meet the annual expenditures of the State, including the above named expenditures for educational purposes, there may be levied, in the manner to be provided by law, a tax, for State purposes, on all the property in the State including the classes of property enumerated in this section, sufficient to meet the deficiency. All property enumerated in subdivisions *a*, *b*, and *d* of this section shall be subject to taxation, in the manner provided by law, to pay the principal and interest of any bonded indebtedness created and outstanding by any city, city and county, county, town, township or district, before the adoption of this section. The taxes so paid for principal and interest on such bonded indebtedness shall be deducted from the total amount paid in taxes for State purposes.

(*f*) All the provisions of this section shall be self-executing, and the Legislature shall pass all laws necessary to carry this

section into effect, and shall provide for a valuation and assessment of the property enumerated in this section, and shall prescribe the duties of the State Board of Equalization and any other officers in connection with the administration thereof. The rates of taxation fixed in this section shall remain in force until changed by the Legislature, two thirds of all the members elected to each of the two houses voting in favor thereof. The taxes herein provided for shall become a lien on the first Monday in March of each year after the adoption of this section and shall become due and payable on the first Monday in July thereafter. The gross receipts and gross premiums herein mentioned shall be computed for the year ending the thirty-first day of December prior to the levy of such taxes and the value of any property mentioned herein shall be fixed as of the first Monday in March. Nothing herein contained shall affect any tax levied or assessed prior to the adoption of this section; and all laws in relation to such taxes in force at the time of the adoption of this section shall remain in force until changed by the Legislature. Until the year 1918 the State shall reimburse any and all counties which sustain loss of revenue by the withdrawal of railroad property from county taxation for the net loss in county revenue occasioned by the withdrawal of railroad property from county taxation. The Legislature shall provide for reimbursement from the general funds of any county to districts therein where loss is occasioned in such districts by the withdrawal from local taxation of property taxed for state purposes only.

(*g*) No injunction shall ever issue in any suit, action or proceeding in any court against this State or against any officer thereof to prevent or enjoin the collection of any tax levied under the provisions of this section; but after payment action may be maintained to recover any tax illegally collected in such manner and at such time as may now or hereafter be provided by law. [*New section adopted November 8, 1910*]

NOTE.—The rates fixed in the above section were changed by the Legislature in 1913 (act approved February 3, 1913), and in 1915 (act approved January 28, 1915).

164 Cal. 42; 165 Cal. 561, 566; 166 Cal. 246, 252; 48 Cal. Dec. 149, 150, 273, 381, 382, 530; 49 Cal. Dec. 47, 50, 51.

ARTICLE XIV.

WATER AND WATER RIGHTS.

SECTION 1. The use of all water now appropriated, or that may hereafter be appropriated, for sale, rental, or distribution, is hereby declared to be a public use, and subject to the regulation and control of the State, in the manner to be prescribed by law; *provided*, that the rates or compensation to be collected by any person, company, or corporation in this State for the use of water supplied to any city and county, or city, or town, or the inhabitants thereof, shall be fixed, annually, by the board of supervisors, or city and county, or city, or town council, or other governing body of such city and county, or city, or town, by ordinance or otherwise, in the manner that other ordinances or legislative acts or resolutions are passed by such body, and shall continue in force for one year and no longer. Such ordinances or resolutions shall be passed in the month of February of each year, and take effect on the first day of July thereafter. Any board or body failing to pass the necessary ordinances or resolutions fixing water rates, where necessary, within such time, shall be subject to peremptory process to compel action, at the suit of any party interested, and shall be liable to such further processes and penalties as the Legislature may prescribe. Any person, company, or corporation collecting water rates in any city and county, or city, or town in this State, otherwise than as so established, shall forfeit the franchises and waterworks of such person, company, or corporation to the city and county, or city, or town, where the same are collected, for the public use.

53 Cal. 611; 56 Cal. 596; 60 Cal. 169, 170, 175, 176, 177; 61 Cal. 4 *et seq.;* 62 Cal. 209, 232; 67 Cal. 121; 69 Cal. 309; 74 Cal. 573; 76 Cal. 370; 82 Cal. 302, 303, 331, 337; 90 Cal. 640; 98 Cal. 183; 100 Cal. 121 *et seq.;* 105 Cal. 91; 107 Cal. 225; 108 Cal. 90, 560; 112 Cal. 433; 118 Cal. 479, 563, 565, 579; 122 Cal. 286, 288; 129 Cal. 441; 130 Cal. 313; 139 Cal. 28, 434, 441, 442; 142 Cal. 287; 143 Cal. 252; 144 Cal. 593; 150 Cal. 89; 151 Cal. 57; 152 Cal. 588, 729; 157 Cal. 89; 159 Cal. 312, 333; 164 Cal. 133, 134; 165 Cal. 134; 2 Cal. App. 187, 413, 417; 8 Cal. App 169, 174; 48 Cal. Dec. 175, 179, 399–412; 19 Cal. App. Dec. 597.

Regulation of municipal water works.

SEC. 2. The right to collect rates or compensation for the use of water supplied to any county, city and county, or town, or the inhabitants thereof, is a franchise, and can not be exercised except by authority of and in the manner prescribed by law.

60 Cal. 170; 61 Cal. 3, 35, 37, 38, 47, 50; 62 Cal. 108, 209, 233, 234; 82 Cal. 304; 118 Cal. 579; 129 Cal. 441, 442, 450; 2 Cal. App. 600; 19 Cal. App. Dec. 597.

ARTICLE XV.

HARBOR FRONTAGE, ETC.

SECTION 1. The right of eminent domain is hereby declared to exist in the State to all frontages on the navigable waters of this State.

123 Cal. 320, 321.

People shall always have access to navigable waters.

SEC. 2. No individual, partnership, or corporation, claiming or possessing the frontage or tidal lands of a harbor, bay, inlet estuary, or other navigable water in this State, shall be permitted to exclude the right of way to such water whenever it is required for any public purpose, nor to destroy or obstruct the free navigation of such water; and the Legislature shall enact such laws as will give the most liberal construction to this provision, so that access to the navigable waters of this State shall be always attainable for the people thereof.

123 Cal. 321; 132 Cal. 106; 164 Cal. 34; 166 Cal. 587, 598, 617, 619, 621.

Tide lands not to pass into private hands.

SEC. 3. All tide lands within two miles of any incorporated city or town in this State, and fronting on the waters of any harbor, estuary, bay, or inlet, used for the purposes of navigation, shall be withheld from grant or sale to private persons, partnerships, or corporations.

123 Cal. 321; 152 Cal. 735; 153 Cal. 46; 161 Cal. 613; 162 Cal. 90; 163 Cal. 544; 164 Cal. 408; 166 Cal. 603, 609, 623; 167 Cal. 446; 24 Cal. App. 200.

ARTICLE XVI.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within seventy-five years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged and such law may make provision for a sinking fund to pay the principal of such debt or liability to commence at a time after the incurring of such debt or liability of not more than a period of one fourth of the time of maturity of such debt or liability; but no such law shall take effect until, at a general election, it shall have been submitted to the people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [*Amendment adopted November 3, 1908*]

Original text.—SECTION 1. The Legislature shall not, in any manner, create any debt or debts, liability or liabilities, which shall, singly or in the aggregate with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war to repel invasion or suppress insurrection, unless the same shall be authorized by law for some single object or work to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years of the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the

people and shall have received a majority of all the votes cast for and against it at such election; and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and such law shall be published in at least one newspaper in each county, or city and county, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people. The Legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same. [Constitution of 1849, Art. VIII, § 1]

144 Cal. 694; 148 Cal. 502, 503.

ARTICLE XVII.

LAND AND HOMESTEAD EXEMPTION.

SECTION 1. The Legislature shall protect, by law, from forced sale, a certain portion of the homestead and other property of all heads of families. [Constitution of 1849, Art. XI, § 15]

62 Cal. 138; 82 Cal. 228, 232, 236; 99 Cal. 48; 111 Cal. 487; 119 Cal. 374; 140 Cal. 621; 156 Cal. 369; 11 Cal. App. 727; 12 Cal. App. 359.

Holding of unimproved lands against public interest.

SEC. 2. The holding of large tracts of land, uncultivated and unimproved, by individuals or corporations, is against the public interest, and should be discouraged by all means not inconsistent with the rights of private property.

88 Cal. 455; 96 Cal. 118; 111 Cal. 400; 1 Cal. App. 150; 3 Cal. App. 245.

State lands granted only to actual settlers.

SEC. 3. Lands belonging to this State, which are suitable for cultivation, shall be granted only to actual settlers, and in quantities not exceeding three hundred and twenty acres to each settler, under such conditions as shall be prescribed by law.

55 Cal. 103, 104, 105; 57 Cal. 76; 65 Cal. 13, 15; 68 Cal. 270, 508; 71 Cal. 321; 72 Cal. 240; 77 Cal. 535; 78 Cal. 8; 82 Cal. 141, 649; 88 Cal. 275, 455, 456, 457, 459; 89 Cal. 44; 90 Cal. 47; 96 Cal. 118; 106 Cal. 490; 111 Cal. 400; 143 Cal. 72; 146 Cal. 543; 148 Cal. 496, 714; 158 Cal. 616; 164 Cal. 408; 1 Cal. App. 150; 3 Cal. App. 244.

ARTICLE XVIII.

AMENDING AND REVISING THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if two thirds of all the members elected to each of the two houses shall vote in favor thereof, such proposed amendment or amendments shall be entered in their journals, with the yeas and nays taken thereon; and it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner, and at such time, and after such publication as may be deemed expedient. Should more amendments than one be submitted at the same election, they shall be so prepared and distinguished, by numbers or otherwise, that each can be voted on separately. If the people shall approve and ratify such amendment or amendments, or any of them, by a majority of the qualified electors voting thereon, such amendment or amendments shall become a part of this Constitution. [Constitution of 1849, Art. X, § 1]

66 Cal. 633; 69 Cal. 468, 473, 481; 72 Cal. 6; 80 Cal. 213; 102 Cal. 117, 120, 125, 126; 130 Cal. 91; 166 Cal. 252.

NOTE.—*Time when constitutional amendment takes effect.*—"The amendment (Article XIII, Section 14), which is by its own terms declared to be self-executing, was adopted at an election held on November 8, 1910, and became a part of the organic law on that date." 166 Cal. 252. See also 148 Cal. 69.

Constitutional conventions.

SEC. 2. Whenever two thirds of the members elected to each branch of the Legislature shall deem it necessary to revise this Constitution, they shall recommend to the electors to vote, at the next general election, for or against a convention for that purpose, and if a majority of the electors voting at such election on the proposition for a convention shall vote in favor thereof, the Legislature shall, at its next session, provide by law for calling the same. The convention shall consist of a number of delegates not to exceed that of both branches of the Legislature, who shall be chosen in the same manner, and have the same qualifications, as members of the Legislature. The delegates so elected shall meet within three months after their election, at such place as the Legislature may direct. At a special election to be provided for by law, the constitution that may be agreed upon by such convention shall be submitted to the people for their ratification or rejection, in such manner as the convention may determine. The returns of such election shall, in

such manner as the convention shall direct, be certified to the Executive of the State, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the returns so certified to him; and it shall be the duty of the Executive to declare, by his proclamation, such constitution as may have been ratified by a majority of all the votes cast at such special election, to be the Constitution of the State of California. [Constitution of 1849, Art. X, § 2]

69 Cal. 474; 102 Cal. 126.

ARTICLE XIX.

CHINESE.

SECTION 1. The Legislature shall prescribe all necessary regulations for the protection of the State, and the counties, cities, and towns thereof, from the burdens and evils arising from the presence of aliens who are or may become vagrants, paupers, mendicants, criminals, or invalids afflicted with contagious or infectious diseases, and from aliens otherwise dangerous or detrimental to the well-being or peace of the State, and to impose conditions upon which such persons may reside in the State, and to provide the means and mode of their removal from the State, upon failure or refusal to comply with such conditions; *provided*, that nothing contained in this section shall be construed to impair or limit the power of the Legislature to pass such police laws or other regulations as it may deem necessary.

84 Cal. 230; 126 Cal. 674; 147 Cal. 651.

Corporations not to employ Chinese.

SEC. 2. No corporation now existing or hereafter formed under the laws of this State shall, after the adoption of this Constitution, employ, directly or indirectly, in any capacity, any Chinese or Mongolian. The Legislature shall pass such laws as may be necessary to enforce this provision.

NOTE.—The provisions of this section held to be in conflict with the United States Constitution and therefore void. In *re* Parrott, 1 Fed. 481.

Employment of Chinese in public work.

SEC. 3. No Chinese shall be employed on any state, county, municipal, or other public work, except in punishment for crime.

Immigration of foreigners ineligible to citizenship discouraged.

SEC. 4. The presence of foreigners ineligible to become citizens of the United States is declared to be dangerous to the well-being of the State, and the Legislature shall discourage their immigration by all the means within its power. Asiatic coolieism is a form of human slavery, and is forever prohibited in this State, and all contracts for coolie labor shall be void. All companies or corporations, whether formed in this country or any foreign country, for the importation of such labor, shall be subject to such penalties as the Legislature may prescribe. The Legislature shall delegate all necessary power to the incorporated cities and towns of this State for the removal of Chinese without the limits of such cities and towns, or for their location within prescribed portions of those limits, and it shall also provide the necessary legislation to prohibit the introduction into this State of Chinese after the adoption of this Constitution. This section shall be enforced by appropriate legislation.

66 Cal. 473.

ARTICLE XX.

MISCELLANEOUS SUBJECTS.

SECTION 1. The City of Sacramento is hereby declared to be the seat of government of this State, and shall so remain until changed by law; but no law changing the seat of government shall be valid or binding unless the same be approved and ratified by a majority of the qualified electors of the State voting therefor at a general State election, under such regulations and provisions as the Legislature, by a two-thirds vote of each house, may provide, submitting the question of change to the people. [Constitution of 1849, Art. XI, § 1]

102 Cal. 114, 119, 125, 126.

Duelling forbidden.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons either within this State or out of it, or who shall act as second, or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit, or to enjoy the right of suffrage under this Constitution. [Constitution of 1849, Art. XI, § 2]

154 Cal. 281.

Oath of office.

SEC. 3. Members of the Legislature, and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ——— according to the best of my ability."

And no other oath, declaration, or test shall be required as a qualification for any office or public trust. [Constitution of 1849, Art. XI, § 3]

79 Cal. 109; 133 Cal. 200; 151 Cal. 804; 155 Cal. 791.

Officials to be provided for by Legislature.

SEC. 4. All officers or commissioners whose election or appointment is not provided for by this Constitution, and all officers or commissioners whose offices or duties may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct. [Constitution of 1849, Art. XI, § 6]

80 Cal. 234; 85 Cal. 416; 110 Cal. 451; 143 Cal. 414, 416.

Fiscal year.

SEC. 5. The fiscal year shall commence on the first day of July. [Constitution of 1849, Art. XI, § 8]

89 Cal. 200; 93 Cal. 400; 139 Cal. 524.

Suits against State.

SEC. 6. Suits may be brought against the State in such manner and in such courts as shall be directed by law. [Constitution of 1849, Art. XI, § 11]

1 Cal. App. 144; 8 Cal. App. 510.

Marriage—Religious ceremony.

SEC. 7. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect. [Constitution of 1849, Art. XI, § 12]

Separate property.

SEC. 8. All property, real and personal, owned by either husband or wife, before marriage, and that acquired by either of them afterwards by gift, devise, or descent, shall be their separate property. [Constitution of 1849, Art. XI, § 14]

82 Cal. 110; 116 Cal. 341; 147 Cal. 515.

Perpetuities.

SEC. 9. No perpetuities shall be allowed except for eleemosynary purposes. [Constitution of 1849, Art. XI, § 16]

58 Cal. 457; 108 Cal. 659; 113 Cal. 139; 138 Cal. 553; 3 Cal. App. 747.

Disqualification for bribery.

SEC. 10. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment. [Constitution of 1849, Art. XI, § 17]

154 Cal. 281.

Misconduct in office—Corrupt practices.

SEC. 11. Laws shall be made to exclude from office, serving on juries, and from the right of suffrage, persons convicted of bribery, perjury, forgery, malfeasance in office, or other high crimes. The privilege of free suffrage shall be supported by laws regulating elections, and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice. [Constitution of 1849, Art. XI, § 18]

118 Cal. 489; 120 Cal. 375; 154 Cal. 281; 19 Cal. App. Dec. 844.

Absence as affecting residence.

SEC. 12. Absence from this State, on business of the State or of the United States, shall not affect the question of residence of any person. [Constitution of 1849, Art. XI, § 19]

Election by plurality—Municipal regulations.

SEC. 13. A plurality of the votes given at any election shall constitute a choice where not otherwise directed in this Constitution; *provided*, that it shall be competent in all charters of cities, counties or cities and counties framed under the authority of this Constitution to provide the manner in which their respective elective officers may be elected and to prescribe

a higher proportion of the vote therefor; *and provided, also,* that it shall be competent for the Legislature by general law to provide the manner in which officers of municipalities organized or incorporated under general laws may be elected and to prescribe a higher proportion of the vote therefor. [*Amendment adopted October 10, 1911*]

Original text.—SEC. 13. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution. [Constitution of 1849, Art. XI, § 20]

143 Cal. 549; 159 Cal. 144; 7 Cal. App. 152.

State board of health.

SEC. 14. The Legislature shall provide, by law, for the maintenance and efficiency of a state board of health.

Mechanics' liens.

SEC. 15. Mechanics, materialmen, artisans, and laborers of every class shall have a lien upon the property upon which they have bestowed labor or furnished material, for the value of such labor done and material furnished; and the Legislature shall provide, by law, for the speedy and efficient enforcement of such liens.

43 Cal. 521; 61 Cal. 353; 74 Cal. 625; 81 Cal. 170, 179; 89 Cal. 111; 97 Cal. 646; 98 Cal. 149, 151; 107 Cal. 623; 109 Cal. 184; 117 Cal. 214, 699; 136 Cal. 125; 138 Cal. 545; 142 Cal. 242; 148 Cal. 583, 737; 150 Cal. 792; 167 Cal. 235, 236; 1 Cal. App. 308; 2 Cal. App. 507; 3 Cal. App. 480; 5 Cal. App. 759, 760, 761; 8 Cal. App. 508, 509, 518, 524; 10 Cal. App. 92; 14 Cal. App. 302; 18 Cal. App. 599.

Term of office when not fixed by Constitution.

SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however,* that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee, shall control; *and provided, further,* that

the term of office of any person heretofore or hereafter appointed to hold office or employment during good behavior under civil service laws of the State or of any political division thereof shall not be limited by this section. [*Amendment adopted October 10, 1911*]

Amendment of 1906.—SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and, if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years; *provided, however*, that in the case of any officer or employee of any municipality governed under a legally adopted charter, the provisions of such charter with reference to the tenure of office or the dismissal from office of any such officer or employee shall control. [*Adopted November 6, 1906*]

Original text.—SEC. 16. When the term of any officer or commissioner is not provided for in this Constitution, the term of such officer or commissioner may be declared by law; and if not so declared, such officer or commissioner shall hold his position as such officer or commissioner during the pleasure of the authority making the appointment; but in no case shall such term exceed four years. [Constitution of 1849, Art. XI, § 7]

7 Cal. 102; 55 Cal. 524; 56 Cal. 114; 66 Cal. 655; 79 Cal. 105, 106, 113; 82 Cal. 495; 85 Cal. 416; 93 Cal. 153, 155, 158; 100 Cal. 260, 264; 110 Cal. 451, 452, 453; 127 Cal. 392; 132 Cal. 450; 136 Cal. 581, 654; 138 Cal. 16; 145 Cal. 471; 157 Cal. 483; 161 Cal. 202, 203, 204; 1 Cal. App. 7; 6 Cal. App. 222, 224.

Eight-hour day on public work.

SEC. 17. The time of service of all laborers or workmen or mechanics employed upon any public works of the State of California, or of any county, city and county, city, town, district, township, or any other political subdivision thereof, whether said work is done by contract or otherwise, shall be limited and restricted to eight hours in any one calendar day, except in cases of extraordinary emergency caused by fire, flood, or danger to life and property, or except to work upon public, military, or naval works or defenses in time of war, and the Legislature shall provide by law that a stipulation to this effect shall be incorporated in all contracts for public work, and prescribe proper penalties for the speedy and efficient enforcement of said law. [*Amendment adopted November 4, 1902*]

Original text.—SEC. 17. Eight hours shall constitute a legal day's work on all public work.

Minimum wage for women and minors.

SEC. 17½. The Legislature may, by appropriate legislation, provide for the establishment of a minimum wage for women and minors and may provide for the comfort, health, safety and general welfare of any and all employees. No provision of this constitution shall be construed as a limitation upon the authority of the Legislature to confer upon any commission now or hereafter created, such power and authority as the Legislature may deem requisite to carry out the provisions of this section. [*New section adopted November 3, 1914*]

All businesses and professions open to women.

SEC. 18. No person shall, on account of sex, be disqualified from entering upon or pursuing any lawful business, vocation, or profession.

57 Cal. 605, 607, 608, 610, 611; 60 Cal. 82; 96 Cal. 360, 361; 98 Cal. 556; 162 Cal. 691, 692.

Payment of expenses of convention.

SEC. 19. Nothing in this Constitution shall prevent the Legislature from providing, by law, for the payment of the expenses of the convention framing this Constitution, including the per diem of the delegates for the full term thereof.

Time of elections.

SEC. 20. Elections of the officers provided by this Constitution, except at the election in the year eighteen hundred and seventy-nine, shall be held on the even-numbered years next before the expiration of their respective terms. The terms of such officers shall commence on the first Monday after the first day of January next following their election. [Constitution of 1849, Art. IV, § 39, and Schedule, §§ 8 and 13]

53 Cal. 747, 748, 749, 622; 56 Cal. 100, 102, 103, 104, 106, 108, 109, 110, 111, 113; 58 Cal. 560; 62 Cal. 565; 96 Cal. 291; 99 Cal. 39, 44, 45, 46; 116 Cal. 112; 9 Cal.; App. 163, 164, 165.

Workmen's compensation—Labor disputes.

SEC. 21. The Legislature may by appropriate legislation create and enforce a liability on the part of all employers to compensate their employees for any injury incurred by the said employees in the course of their employment, irrespective of the fault of either party. The Legislature may provide for the settlement of any disputes arising under the legislation contem-

plated by this section, by arbitration, or by an industrial accident board, by the courts, or by either any or all of these agencies, anything in this Constitution to the contrary notwithstanding. [*Amendment adopted October 10, 1911*]

ARTICLE XXI.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of the forty-second degree of north latitude with the one hundred and twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred and twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line, in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, including all the islands, harbors, and bays along and adjacent to the coast. [Constitution of 1849, Art. XII, § 1]

85 Cal. 311.

ARTICLE XXII.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments in the Constitution of this State, and to carry the same into complete effect, it is hereby ordained and declared:

Laws to remain in force.

SECTION 1. That all laws in force at the adoption of this Constitution, not inconsistent therewith, shall remain in full force and effect until altered or repealed by the Legislature; and all rights, actions, prosecutions, claims, and contracts of the State, counties, individuals, or bodies corporate, not inconsistent therewith, shall continue to be as valid as if this Constitution had not been adopted. The provisions of all laws which are

inconsistent with this Constitution shall cease upon the adoption thereof, except that all laws which are inconsistent with such provisions of this Constitution as require legislation to enforce them shall remain in full force until the first day of July, eighteen hundred and eighty, unless sooner altered or repealed by the Legislature.

53 Cal. 746; 54 Cal. 247, 345; 56 Cal. 653, 655; 57 Cal. 609, 627; 58 Cal. 561; 59 Cal. 131, 550; 60 Cal. 155, 278, 514, 515; 61 Cal. 4, 32, 197, 279, 351; 64 Cal. 68, 251; 67 Cal. 382; 69 Cal. 88, 99, 100, 372, 465, 469, 473, 479; 71 Cal. 310, 312; 75 Cal. 153; 76 Cal. 92; 80 Cal. 236; 93 Cal. 40, 421, 424; 114 Cal. 563; 119 Cal. 428; 121 Cal. 551; 152 Cal. 736; 154 Cal. 200, 339; 157 Cal. 779; 160 Cal. 586; 164 Cal. 325; 166 Cal. 587; 1 Cal. App. 64; 12 Cal. App. 291, 292; 13 Cal. App. 624; 22 Cal. App. 528.

Existing obligations and pending suits.

SEC. 2. That all recognizances, obligations, and all other instruments entered into or executed before the adoption of this Constitution, to this State, or to any subdivision thereof, or any municipality therein, and all fines, taxes, penalties, and forfeitures due or owing to this State, or any subdivision or municipality thereof, and all writs, prosecutions, actions, and causes of action, except as herein otherwise provided, shall continue and remain unaffected by the adoption of this Constitution. All indictments or informations which shall have been found, or may hereafter be found, for any crime or offense committed before this Constitution takes effect, may be proceeded upon as if no change had taken place, except as otherwise provided in this Constitution.

59 Cal. 254; 60 Cal. 515; 64 Cal. 253; 75 Cal. 153.

Courts abolished—Records transferred.

SEC. 3. All courts now existing, save justices' and police courts, are hereby abolished, and all records, books, papers, and proceedings from such courts, as are abolished by this Constitution, shall be transferred, on the first day of January, eighteen hundred and eighty, to the courts provided for in this Constitution; and the courts to which the same are thus transferred shall have the same power and jurisdiction over them as

if they had been in the first instance commenced, filed, or lodged therein. [Constitution of 1849, Art. VI, § 19]

54 Cal. 186, 346; 55 Cal. 463; 57 Cal. 542; 58 Cal. 90; 60 Cal. 307, 515; 66 Cal. 204, 406; 67 Cal. 41, 42; 69 Cal. 99, 520; 75 Cal. 153; 87 Cal. 82, 83; 114 Cal. 318, 331; 48 Cal. Dec. 598.

Constitution to be printed and election proclaimed.

SEC. 4. The Superintendent of Printing of the State of California shall, at least thirty days before the first Wednesday in May, A. D. eighteen hundred and seventy-nine, cause to be printed at the State printing office, in pamphlet form, simply stitched, as many copies of this Constitution as there are registered voters in this State, and mail one copy thereof to the post-office address of each registered voter; *provided*, any copies not called for ten days after reaching their delivery office, shall be subject to general distribution by the several postmasters of the State. The Governor shall issue his proclamation, giving notice of the election for the adoption or rejection of this Constitution, at least thirty days before the said first Wednesday of May, eighteen hundred and seventy-nine, and the boards of supervisors of the several counties shall cause said proclamation to be made public in their respective counties, and general notice of said election to be given at least fifteen days next before said election. [Constitution of 1849, Schedule, § 6]

Ballots to be prepared.

SEC. 5. The Superintendent of Printing of the State of California shall, at least twenty days before said election, cause to be printed and delivered to the clerk of each county in this State five times the number of properly prepared ballots for said election that there are voters in said respective counties, with the words printed thereon: "For the New Constitution." He shall likewise cause to be so printed and delivered to said clerks five times the number of properly prepared ballots for said election that there are voters in said respective counties with the words printed thereon: "Against the New Constitution." The Secretary of State is hereby authorized and required to furnish the Superintendent of State Printing a sufficient quantity of legal ballot paper, now on hand, to carry out the provisions of this section. [Constitution of 1849, Schedule, § 6]

Poll books provided.

SEC. 6. The clerks of the several counties in the State shall, at least five days before said election, cause to be delivered to the inspectors of elections, at each election precinct or polling place, in their respective counties, suitable registers, poll books, forms of return, and an equal number of the aforesaid ballots, which number, in the aggregate, must be ten times greater than the number of voters in the said election precincts or polling places. The returns of the number of votes cast at the presidential election in the year eighteen hundred and seventy-six shall serve as a basis of calculation for this and the preceding section; *provided*, that the duties in this and the preceding section imposed upon the clerks of the respective counties shall, in the city and county of San Francisco, be performed by the registrar of voters for said city and county. [Constitution of 1849, Schedule, § 6]

Who to vote.

SEC. 7. Every citizen of the United States, entitled by law to vote for members of the assembly in this State, shall be entitled to vote for the adoption or rejection of this Constitution. [Constitution of 1849, Schedule, § 5]

Canvass of returns.

SEC. 8. The officers of the several counties of this State, whose duty it is, under the law, to receive and canvass the returns from the several precincts of their respective counties, as well as of the city and county of San Francisco, shall meet at the usual places of meeting for such purposes on the first Monday after said election. If, at the time of meeting, the returns from each precinct in the county in which the polls were opened have been received, the board must then and there proceed to canvass the returns; but if all the returns have not been received, the canvass must be postponed from time to time until all the returns are received, or until the second Monday after said election, when they shall proceed to make out returns of the votes cast for and against the new Constitution; and the proceedings of said board shall be the same as those prescribed for like boards in the case of an election for Governor. Upon the completion of said canvass and returns, the said boards shall immediately certify the same, in the usual form, to the Governor of the State of California. [Constitution of 1849. Schedule, § 6]

Computation of returns and proclamation.

SEC. 9. The Governor of the State of California shall, as soon as the returns of said election shall be received by him, or within thirty days after said election, in the presence and with the assistance of the Controller, Treasurer, and Secretary of State, open and compute all the returns received of votes cast for and against the new Constitution. If, by such examination and computation, it is ascertained that a majority of the whole number of votes cast at such election is in favor of such new Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California, and that it shall take effect and be in force on the days hereinafter specified. [Constitution of 1849, Schedule, §§ 6 and 7]

155 Cal. 734.

Terms of officers first elected.

SEC. 10. In order that future elections in this State shall conform to the requirements of this Constitution, the terms of all officers elected at the first election under the same shall be, respectively, one year shorter than the terms as fixed by law or by this Constitution; and the successors of all such officers shall be elected at the last election before the expiration of the terms as in this section provided. The first officers chosen after the adoption of this Constitution shall be elected at the time and in the manner now provided by law. Judicial officers and the Superintendent of Public Instruction shall be elected at the time and in the manner that state officers are elected.

55 Cal. 611, 622; 56 Cal. 99, 101, 103, 104, 105, 106, 108, 109, 110; 57 Cal. 626; 58 Cal. 559; 60 Cal. 307; 62 Cal. 557, 565, 566; 114 Cal. 333.

Existing laws relative to judicial system continued.

SEC. 11. All laws relative to the present judicial system of the State shall be applicable to the judicial system created by this Constitution until changed by legislation.

59 Cal. 129, 130; 60 Cal. 307; 64 Cal. 235, 243, 253, 378; 66 Cal. 406; 93 Cal. 34, 40; 103 Cal. 491; 114 Cal. 331; 116 Cal. 195; 148 Cal. 70; 1 Cal. App. 574.

Date when Constitution in force.

SEC. 12. This Constitution shall take effect and be in force on and after the fourth day of July, eighteen hundred and seventy-nine, at twelve o'clock meridian, so far as the same

relates to the election of all officers, the commencement of their terms of office, and the meeting of the Legislature. In all other respects, and for all other purposes, this Constitution shall take effect on the first day of January, eighteen hundred and eighty, at twelve o'clock meridian.

56 Cal. 99, 111; 57 Cal. 627; 59 Cal. 131; 60 Cal. 513.

ARTICLE XXIII.

RECALL OF PUBLIC OFFICIALS.

SECTION 1. Every elective public officer of the State of California may be removed from office at any time by the electors entitled to vote for a successor of such incumbent, through the procedure and in the manner herein provided for, which procedure shall be known as the recall, and is in addition to any other method of removal provided by law.

The procedure hereunder to effect the removal of an incumbent of an elective public office shall be as follows: A petition signed by electors entitled to vote for a successor of the incumbent sought to be removed, equal in number to at least twelve per cent of the entire vote cast at the last preceding election for all candidates for the office, which the incumbent sought to be removed occupies (provided that if the officer sought to be removed is a state officer who is elected in any political subdivision of the State, said petition shall be signed by electors entitled to vote for a successor to the incumbent sought to be removed, equal in number to at least twenty per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies) demanding an election of a successor to the officer named in said petition, shall be addressed to the Secretary of State and filed with the clerk, or registrar of voters, of the county or city and county in which the petition was circulated; *provided*, that if the officer sought to be removed was elected in the State at large such petition shall be circulated in not less than five counties of the State, and shall be signed in each of such counties by electors equal in number to not less than one per cent of the entire vote cast, in each of said counties, at said election, as above estimated. Such petition shall contain a general statement of the grounds on which the removal is sought, which statement is intended solely for the information of the electors, and the sufficiency of which shall not be open to review.

When such petition is certified as is herein provided to the Secretary of State, he shall forthwith submit the said petition, together with a certificate of its sufficiency, to the Governor, who shall thereupon order and fix a date for holding the election, not less than sixty days nor more than eighty days from the date of such certificate of the Secretary of State.

The Governor shall make or cause to be made publication of notice for the holding of such election, and officers charged by law with duties concerning elections shall make all arrangements for such election and the same shall be conducted, returned, and the result thereof declared, in all respects as are other state elections. On the official ballot at such election shall be printed, in not more than two hundred words, the reasons set forth in the petition for demanding his recall. And in not more than three hundred words there shall also be printed, if desired by him, the officer's justification of his course in office. Proceedings for the recall of any officer shall be deemed to be pending from the date of the filing with any county, or city and county clerk, or registrar of voters, of any recall petition against such officer; and if such officer shall resign at any time subsequent to the filing thereof, the recall election shall be held notwithstanding such resignation, and the vacancy caused by such resignation, or from any other cause, shall be filled as provided by law, but the person appointed to fill such vacancy shall hold his office only until the person elected at the said recall election shall qualify.

Any person may be nominated for the office which is to be filled at any recall election by a petition signed by electors, qualified to vote at such recall election, equal in number to at least one per cent of the total number of votes cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Each such nominating petition shall be filed with the Secretary of State not less than twenty-five days before such recall election.

There shall be printed on the recall ballot, as to every officer whose recall is to be voted on thereat, the following question: "Shall (name of person against whom the recall petition is filed) be recalled from the office of (title of office)?", following which question shall be the words "Yes" and "No" on separate lines, with a blank space at the right of each, in which the voter shall indicate, by stamping a cross (×), his vote for or against such recall. On such ballots, under each such question, there shall also be printed the names of those persons who have been nomi-

nated as candidates to succeed the person recalled, in case he shall be removed from office by said recall election; but no vote cast shall be counted for any candidate for said office unless the voter also voted on said question of the recall of the person sought to be recalled from said office. The name of the person against whom the petition is filed shall not appear on the ballot as a candidate for the office. If a majority of those voting on said question of the recall of any incumbent from office shall vote "No," said incumbent shall continue in said office. If a majority shall vote "Yes," said incumbent shall thereupon be deemed removed from such office upon the qualification of his successor. The canvassers shall canvass all votes for candidates for said office and declare the result in like manner as in a regular election. If the vote at any such recall election shall recall the officer, then the candidate who has received the highest number of votes for the office shall be thereby declared elected for the remainder of the term. In case the person who received the highest number of votes shall fail to qualify within ten days after receiving the certificate of election, the office shall be deemed vacant and shall be filled according to law.

Any recall petition may be presented in sections, but each section shall contain a full and accurate copy of the title and text of the petition. Each signer shall add to his signature his place of residence, giving the street and number, if such exist. His election precinct shall also appear on the paper after his name. The number of signatures appended to each section shall be at the pleasure of the person soliciting signatures to the same. Any qualified elector of the State shall be competent to solicit such signatures within the county, or city and county, of which he is an elector. Each section of the petition shall bear the name of the county, or city and county in which it is circulated, and only qualified electors of such county or city and county shall be competent to sign such section. Each section shall have attached thereto the affidavit of the person soliciting signatures to the same stating his qualifications and that all the signatures to the attached section were made in his presence and that to the best of his knowledge and belief each signature to the section is the genuine signature of the person whose name it purports to be; and no other affidavit thereto shall be required. The affidavit of any person soliciting signatures hereunder shall be verified free of charge by any officer authorized to administer an oath. Such petition so verified shall be prima facie evidence that the signatures thereto appended are genuine and that the persons signing

the same are qualified electors. Unless and until it is otherwise proven upon official investigation, it shall be presumed that the petition presented contains the signatures of the requisite number of electors. Each section of the petition shall be filed with the clerk, or registrar of voters, of the county or city and county in which it was circulated; but all such sections circulated in any county or city and county shall be filed at the same time. Within twenty days after the date of filing such petition, the clerk, or registrar of voters, shall finally determine from the records of registration what number of qualified electors have signed the same; and, if necessary, the board of supervisors shall allow such clerk or registrar additional assistants for the purpose of examining such petition and provide for their compensation. The said clerk or registrar, upon the completion of such examination, shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and submit said petition, except as to the signatures appended thereto, to the Secretary of State and file a copy of said certificate in his office. Within forty days from the transmission of the said petition and certificate by the clerk or registrar of voters to the Secretary of State, a supplemental petition, identical with the original as to the body of the petition but containing supplemental names, may be filed with the clerk or registrar of voters, as aforesaid. The clerk or registrar of voters shall within ten days after the filing of such supplemental petition make like examination thereof as of the original petition, and upon the conclusion of such examination shall forthwith attach to such petition his certificate, properly dated, showing the result of such examination, and shall forthwith transmit such supplemental petition, except as to the signatures thereon, together with his said certificate, to the Secretary of State.

When the Secretary of State shall have received from one or more county clerks, or registrars of voters, a petition certified as herein provided to have been signed by the requisite number of qualified electors, he shall forthwith transmit to the county clerk or registrar of voters of every county or city and county in the State a certificate showing such fact; and such clerk or registrar of voters shall thereupon file said certificate for record in his office.

A petition shall be deemed to be filed with the Secretary of State upon the date of the receipt by him of a certificate or certificates showing the said petition to be signed by the requisite number of electors of the State.

No recall petition shall be circulated or filed against any officer until he has actually held his office for at least six months; save and except it may be filed against any member of the State Legislature at any time after five days from the convening and organizing of the Legislature after his election.

If at any recall election the incumbent whose removal is sought is not recalled, he shall be repaid from the State treasury any amount legally expended by him as expenses of such election, and the Legislature shall provide appropriation for such purpose, and no proceedings for another recall election of said incumbent shall be initiated within six months after such election.

If the Governor is sought to be removed under the provisions of this article, the duties herein imposed upon him shall be performed by the Lieutenant-Governor; and if the Secretary of State is sought to be removed, the duties herein imposed upon him shall be performed by the State Controller; and the duties herein imposed upon the clerk or registrar of voters, shall be performed by such registrar of voters in all cases where the office of registrar of voters exists.

The recall shall also be exercised by the electors of each county, city and county, city and town of the State, with reference to the elective officers thereof, under such procedure as shall be provided by law.

Until otherwise provided by law, the legislative body of any such county, city and county, city or town may provide for the manner of exercising such recall powers in such counties, cities and counties, cities and towns, but shall not require any such recall petition to be signed by electors more in number than twenty-five per cent of the entire vote cast at the last preceding election for all candidates for the office which the incumbent sought to be removed occupies. Nothing herein contained shall be construed as affecting or limiting the present or future powers of cities or counties or cities and counties having charters adopted under the authority given by the Constitution.

In the submission to the electors of any petition proposed under this article all officers shall be guided by the general laws of the State, except as otherwise herein provided.

This article is self-executing, but legislation may be enacted to facilitate its operation, but in no way limiting or restricting the provisions of this article or the powers herein reserved. [*New article; adopted October 10, 1911*]

J. P. HOGE, President.

Attest: EDWIN F. SMITH, Secretary.

MEMBERS OF THE CONSTITUTIONAL CONVENTION OF 1879.

A. R. Andrews,
James J. Ayres,
Clitus Barboue,
Edward Barry,
James N. Barton,
C. J. Beerstecher,
Isaac S. Belcher,
Peter Bell,
Marion Biggs,
E. T. Blackmer,
Josiah Boucher,
Joseph C. Brown,
Saml. B. Burt,
James Caples,
Aug. H. Chapman,
J. M. Charles,
John D. Condon,
C. W. Cross,
Hamlet Davis,
Jas. E. Dean,
P. T. Dowling,
Luke D. Doyle,
W. L. Dudley,
Jonathan M. Dudley,
Presley Dunlap,
John A. Eagon,
Henry Edgerton,
Thomas H. Estey,
M. M. Estee,
Edward Evey,
Simon J. Farrell,
J. A. Filcher,
Jacob Richard Freud,
Abraham Clark Freeman,
J. B. Garvey,
B. B. Glascock,
Joseph C. Gorman,
W. P. Grace,
William J. Graves,
V. A. Gregg,
Jno. S. Hager,
John B. Hall,
J. E. Hale,
Thomas Harrison,
Joel A. Harvey,
T. D. Heiskell,
Conrad Herold,
D. W. Herrington,
S. G. Hilborn,
J. R. W. Hitchcock,
Sam A. Holmes,
Volney E. Howard,
W. J. Howard,
W. F. Huestis,
Wm. Procter Hughey,
G. W. Hunter,
Daniel Inman,
George A. Johnson,
L. F. Jones,
Peter J. Joyce,
John J. Kenny,
J. M. Kelley,
James H. Keyes,
C. R. Kleine,
T. H. Laine,
R. M. Lampson,
H. W. La Rue,
Henry Larkin,
David Lewis,
R. Lavigne,
J. F. Lindow,
Jno. Mansfield,
J. West Martin,
Edward Martin,
John G. McCallum,
Rush McComas.

THOMAS MCCONNELL,
JOHN MCCOY,
THOMAS B. MCFARLAND,
JOHN FLEMING MCNUTT,
WM. S. MOFFATT,
L. D. MORSE,
HIRAM MILLS,
W. W. MORELAND,
JAMES E. MURPHY,
EDMOND NASON,
THORWALD KLAUDIUS NELSON,
HENRY NEUNABER,
CHAS. C. O'DONNELL,
GEORGE OHLEYER,
JAMES O'SULLIVAN,
A. P. OVERTON,
JAMES MARTIN PORTER,
WILLIAM H. PROUTY,
M. R. C. PULLIAM,
PATRICK REDDY,
CHAS. F. REED,
JAS. S. REYNOLDS,
JNO. M. RHODES,
CHAS. S. RINGGOLD,
HORACE C. ROLFE,
GEO. W. SCHELL,
J. SCHOMP,
JAMES MCM. SHAFTER,
RUFUS SHOEMAKER,
BENJ. SHURTLEFF,
E. O. SMITH,
H. W. SMITH,
GEO. VENABLE SMITH,
E. P. SOULE,
JOHN C. STEDMAN,
GEO. STEELE,
D. C. STEVENSON,
CHAS. V. STUART,
W. J. SWEASEY,
CHARLES SWENSON,
R. S. SWING,
D. S. TERRY,
S. B. THOMPSON,
W. J. TINNIN,
F. O. TOWNSEND,
P. B. TULLY,
H. K. TURNER,
DANIEL TUTTLE,
A. P. VACQUEREL,
WALTER VAN DYKE,
WM. VAN VOORHIES,
JNO. WALKER,
HUGH WALKER,
BYRON WATERS,
J. V. WEBSTER,
JOSEPH R. WELLER,
PATRICK M. WELLIN,
JOHN P. WEST,
WM. F. WHITE,
JOHN T. WICKES,
H. C. WILSON,
JOS. W. WINANS,
N. G. WYATT.

NOTE.—The following were also members of the convention but did not sign the Constitution, being absent on the day when it was adopted: Barnes, Wm. H. L.; Berry, J.; Boggs, H. C.; Campbell, A., Jr.; Casserly, Eugene; Cowden, D. H.; Crouch, Robert; Fawcett, Eugene; Finney, Chas. G., Jr.; Miller, John F.; Noel, Alonzo E.; Wilson, Samuel M.

TREATY WITH MEXICO.

Treaty of Peace, Friendship, Limits and Settlement, Between the United States of America and the Mexican Republic.

Dated at Guadalupe Hidalgo, February 2, 1848.
Ratified by the President March 16, 1848.
Exchanged at Queretaro, May 30, 1848.
Proclaimed by the President July 4, 1848.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, A Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic, was concluded and signed at the City of Guadalupe Hidalgo, on the second day of February, one thousand eight hundred and forty-eight, which Treaty, as amended by the Senate of the United States, and being in the English and Spanish languages, is word for word as follows:—

In the name of Almighty God:

The United States of America and the United Mexican States, animated by a sincere desire to put an end to the calamities of the war which unhappily exists between the two republics, and to establish upon a solid basis relations of peace and friendship, which shall confer reciprocal benefits upon the citizens of both, and assure the concord, harmony, and mutual confidence, wherein the two people should live, as good neighbors, have for that purpose appointed their respective plenipotentiaries—that is to say, the President of the United States has appointed Nicholas P. Trist, a citizen of the United States, and the President of the Mexican Republic has appointed Don Luis Gonzaga Cuevas, Don Bernardo Couto, and Don Miguel Atristan, citizens of the said Republic, who, after a reciprocal communication of their respective full powers, have, under the protection of

Almighty God, the author of peace, arranged, agreed upon, and signed the following

Treaty of Peace, Friendship, Limits, and Settlement, between the United States of America and the Mexican Republic.

ARTICLE I.

There shall be firm and universal peace between the United States of America and the Mexican Republic, and between their respective countries, territories, cities, towns, and people, without exception of places or persons.

ARTICLE II.

Immediately upon the signature of this treaty, a convention shall be entered into between a commissioner or commissioners appointed by the general-in-chief of the forces of the United States, and such as may be appointed by the Mexican government, to the end that a provisional suspension of hostilities shall take place, and that, in the places occupied by the said forces, constitutional order may be re-established, as regards the political, administrative, and judicial branches, so far as this shall be permitted by the circumstances of military occupation.

ARTICLE III.

Immediately upon the ratification of the present treaty by the government of the United States, orders shall be transmitted to the commanders of their land and naval forces, requiring the latter (provided this treaty shall then have been ratified by the government of the Mexican Republic, and the ratifications exchanged) immediately to desist from blockading any Mexican ports; and requiring the former (under the same condition) to commence, at the earliest moment practicable, withdrawing all troops of the United States then in the interior of the Mexican Republic, to points that shall be selected by common agreement, at a distance from the seaports not exceeding thirty leagues; and such evacuation of the interior of the Republic shall be completed with the least possible delay; the Mexican government hereby binding itself to afford every facility in its power for rendering the same convenient to the troops, on their march and in their new positions, and for promoting a good understanding between them and the inhabitants. In like manner, orders shall be dispatched to the persons in charge of the custom-houses at all the ports occupied by the forces of the United States, requiring

them (under the same condition) immediately to deliver possession of the same to the persons authorized by the Mexican government to receive it, together with all bonds and evidences of debt for duties on importations and on exportations, not yet fallen due. Moreover, a faithful and exact account shall be made out, showing the entire amount of all duties on imports and on exports, collected at such custom-houses, or elsewhere in Mexico, by authority of the United States, from and after the day of the ratification of this treaty by the government of the Mexican Republic; and also an account of the cost of collection; and such entire amount, deducting only the cost of collection, shall be delivered to the Mexican government, at the City of Mexico, within three months after the exchange of ratifications.

The evacuation of the capital of the Mexican Republic by the troops of the United States, in virtue of the above stipulation, shall be completed within one month after the orders there stipulated for shall have been received by the commander of said troops, or sooner if possible.

ARTICLE IV.

Immediately after the exchange of ratifications of the present treaty, all castles, forts, territories, places, and possessions, which have been taken or occupied by the forces of the United States during the present war, within the limits of the Mexican Republic, as about to be established by the following article, shall be definitely restored to the said republic, together with all the artillery, arms, apparatus of war, munitions, and other public property, which were in the said castles and forts when captured, and which shall remain there at the time when this treaty shall be duly ratified by the government of the Mexican Republic. To this end, immediately upon the signature of this treaty, orders shall be dispatched to the American officers commanding such castles and forts, securing against the removal or destruction of any such artillery, arms, apparatus of war, munitions, or other public property. The City of Mexico, within the inner line of intrenchments surrounding the said city, is comprehended in the above stipulations, as regards the restoration of artillery, apparatus of war, etc.

The final evacuation of the territory of the Mexican Republic by the forces of the United States, shall be completed in three months from the said exchange of ratifications, or sooner if possible; the Mexican government hereby engaging, as in the foregoing article, to use all means in its power for facili-

tating such evacuation, and rendering it convenient to the troops, and for promoting a good understanding between them and the inhabitants.

If, however, the ratification of this treaty by both parties should not take place in time to allow the embarcation of the troops of the United States to be completed before the commencement of the sickly season, at the Mexican ports on the Gulf of Mexico, in such case a friendly arrangement shall be entered into between the general-in-chief of the said troops and the Mexican government, whereby healthy and otherwise suitable places, at a distance from the ports not exceeding thirty leagues, shall be designated for the residence of such troops as may not yet have embarked, until the return of the healthy season. And the space of time here referred to as comprehending the sickly season, shall be understood to extend from the first day of May to the first day of November.

All prisoners of war taken on either side, on land or on sea, shall be restored as soon as practicable after the exchange of ratifications of this treaty. It is also agreed that if any Mexicans should now be held as captives by any savage tribe within the limits of the United States, as about to be established by the following article, the government of the said United States will exact the release of such captives, and cause them to be restored to their country.

ARTICLE V.

The boundary line between the two republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the River Gila (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, and thence in a direct line to the same); thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence

across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean.

The southern and western limits of New Mexico, mentioned in this article, are those laid down in the map entitled "Map of the United Mexican States, as organized and defined by various Acts of the Congress of said republic, and constructed according to the best Authorities. Revised edition. Published at New York, in 1847, by J. Disturnel." Of which map a copy is added to this treaty, bearing the signatures and seals of the undersigned plenipotentiaries. And, in order to preclude all difficulty in tracing upon the ground the limit separating Upper from Lower California, it is agreed that the said limit shall consist of a straight line drawn from the middle of the Rio Gila, where it unites with the Colorado, to a point on the coast of the Pacific Ocean distant one marine league due south of the southernmost point of the port of San Diego, according to the plan of said port made in the year 1782 by Don Juan Pantoja, second sailing-master of the Spanish fleet, and published at Madrid in the year 1802, in the Atlas to the voyage of the schooners Sutil and Mexicana, of which plan a copy is hereunto added, signed and sealed by the respective plenipotentiaries.

In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground landmarks which shall show the limits of both republics, as described in the present article, the two governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. They shall keep journals and make out plans of their operations; and the result agreed upon by them shall be deemed a part of this treaty, and shall have the same force as if it were inserted therein. The two governments will amicably agree regarding what may be necessary to these persons, and also as to their respective escorts, should such be necessary.

The boundary line established by this article shall be religiously respected by each of the two republics, and no change shall ever be made therein, except by the express and free consent of both nations, lawfully given by the general government of each, in conformity with its own constitution.

ARTICLE VI.

The vessels and citizens of the United States shall, in all time, have a free and uninterrupted passage by the Gulf of California, and by the River Colorado below its confluence with the Gila, to and from their possessions situated north of the boundary line defined in the preceding article; it being understood that this passage is to be by navigating the Gulf of California and the River Colorado, and not by land, without the express consent of the Mexican government.

If, by the examinations which may be made, it should be ascertained to be practicable and advantageous to construct a road, canal, or railway, which should in whole or part run upon the River Gila, or upon its right or its left bank, within the space of one marine league from either margin of the river, the governments of both republics will form an agreement regarding its construction, in order that it may serve equally for the use and advantage of both countries.

ARTICLE VII.

The River Gila, and the part of the Rio Bravo del Norte, lying below the southern boundary of New Mexico, being, agreeably to the fifth article, divided in the middle between the two republics, the navigation of the Gila and of the Bravo below said boundary shall be free and common to the vessels and citizens of both countries; and neither shall, without the consent of the other, construct any work that may impede or interrupt, in whole or in part, the exercise of this right; not even for the purpose of favoring new methods of navigation. Nor shall any tax or contribution, under any denomination or title, be levied upon vessels or persons navigating the same, or upon merchandise or effects transported thereon, except in the case of landing upon one of their shores. If, for the purpose of making the said rivers navigable, or for maintaining them in such state, it should be necessary or advantageous to establish any tax or contribution, this shall not be done without the consent of both governments.

The stipulations contained in the present article shall not impair the territorial rights of either republic within its established limits.

ARTICLE VIII.

Mexicans now established in territories previously belonging to Mexico, and which remain for the future within the limits

of the United States, as defined by the present treaty, shall be free to continue where they now reside, or to remove at any time to the Mexican Republic, retaining the property which they possess in the said territories, or disposing thereof, and removing the proceeds wherever they please, without their being subjected, on this account, to any contribution, tax, or charge whatever.

Those who shall prefer to remain in the said territories, may either retain the title and rights of Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States.

In the said territories, property of every kind, now belonging to Mexicans not established there, shall be inviolably respected. The present owners, the heirs of these, and all Mexicans who may hereafter acquire said property by contract, shall enjoy, with respect to it, guarantees equally ample as if the same belonged to citizens of the United States.

ARTICLE IX.

The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States and be admitted at the proper time (to be judged of by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States according to the principles of the constitution; and in the meantime shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

ARTICLE X.

[Stricken out.]

ARTICLE XI.

Considering that a great part of the territories which, by the present treaty, are to be comprehended for the future within the limits of the United States, is now occupied by savage tribes, who will hereafter be under the exclusive control of the government

of the United States, and whose incursions within the territory of Mexico would be prejudicial in the extreme, it is solemnly agreed that all such incursions shall be forcibly restrained by the government of the United States whensoever this may be necessary; and that, when they can not be prevented, they shall be punished by the said government, and satisfaction for the same shall be exacted—all in the same way, and with equal diligence and energy, as if the same incursions were meditated or committed within its own territory against its own citizens.

It shall not be lawful, under any pretext whatever, for any inhabitant of the United States to purchase or acquire any Mexican, or any foreigner residing in Mexico, who may have been captured by Indians inhabiting the territory of either of the two republics, nor to purchase or acquire horses, mules, cattle, or property of any kind, stolen within Mexican territory by such Indians.

And in the event of any person or persons, captured within Mexican territory by Indians, being carried into the territory of the United States, the government of the latter engages and binds itself in the most solemn manner, so soon as it shall know of such captives being within its territory, and shall be able so to do, through the faithful exercise of its influence and power, to rescue them, and return them to their country, or deliver them to the agent or representative of the Mexican government. The Mexican authorities will, as far as practicable, give to the government of the United States notice of such captures; and its agent shall pay the expenses incurred in the maintenance and transmission of the rescued captives; who, in the meantime, shall be treated with the utmost hospitality by the American authorities at the place where they may be. But if the government of the United States, before receiving such notice from Mexico, should obtain intelligence, through any other channel, of the existence of Mexican captives within its territory, it will proceed forthwith to effect their release and delivery to the Mexican agent as above stipulated.

For the purpose of giving to these stipulations the fullest possible efficacy, thereby affording the security and redress demanded by their true spirit and intent, the government of the United States will now and hereafter pass, without unnecessary delay, and always vigilantly enforce, such laws as the nature of the subject may require. And finally, the sacredness of this obligation shall never be lost sight of by the said government when providing for the removal of the Indians from

any portion of the said territories, or for its being settled by citizens of the United States; but on the contrary, special care shall then be taken not to place its Indian occupants under the necessity of seeking new homes, by committing those invasions which the United States have solemnly obliged themselves to restrain.

ARTICLE XII.

In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.

Immediately after this treaty shall have been duly ratified by the government of the Mexican Republic, the sum of three millions of dollars shall be paid to the said government by that of the United States, at the City of Mexico, in gold or silver coin of Mexico. The remaining twelve millions of dollars shall be paid at the same place, and in the same coin, in annual installments of three millions of dollars each, together with interest on the same at the rate of six per centum per annum. This interest shall begin to run upon the whole sum of twelve millions from the day of the ratification of the present treaty by the Mexican government, and the first of the installments shall be paid at the expiration of one year from the same day. Together with each annual installment, as it falls due, the whole interest accruing on such installment from the beginning shall also be paid.

ARTICLE XIII.

The United States engage, moreover, to assume and pay to the claimants all the amounts now due them, and those hereafter to become due, by reason of the claims already liquidated, and decided against the Mexican Republic under the conventions between the two republics severally concluded on the eleventh day of April, eighteen hundred and thirty-nine, and on the thirtieth day of January, eighteen hundred and forty-three; so that the Mexican Republic shall be absolutely exempt for the future from all expenses whatever on account of the said claims.

ARTICLE XIV.

The United States do furthermore discharge the Mexican Republic from all claims of citizens of the United States, not heretofore decided against the Mexican government, which may

have arisen previously to the date of the signature of this treaty; which discharge shall be final and perpetual, whether the said claims be rejected or be allowed by the board of commissioners provided for in the following article, and whatever shall be the total amount of those allowed.

ARTICLE XV.

The United States, exonerating Mexico from all demands on account of the claims of their citizens mentioned in the preceding article, and considering them entirely and forever canceled, whatever their amount may be, undertake to make satisfaction for the same, to an amount not exceeding three and one quarter millions of dollars. To ascertain the validity and amount of those claims, a board of commissioners shall be established by the government of the United States, whose awards shall be final and conclusive; *provided*, that, in deciding upon the validity of each claim, the board shall be guided and governed by the principles and rules of decision prescribed by the first and fifth articles of the unratified convention, concluded at the City of Mexico on the twentieth day of November, one thousand eight hundred and forty-three; and in no case shall an award be made in favor of any claim not embraced by these principles and rules.

If, in the opinion of the said board of commissioners, or of the claimants, any books, records, or documents in the possession or power of the government of the Mexican Republic, shall be deemed necessary to the just decision of any claim, the commissioners, or the claimants through them, shall, within such period as Congress may designate, make an application in writing for the same, addressed to the Mexican Minister for Foreign Affairs, to be transmitted by the Secretary of State of the United States; and the Mexican government engages, at the earliest possible moment after the receipt of such demand, to cause any of the books, records, or documents, so specified, which shall be in their possession or power (or authenticated copies or extracts of the same), to be transmitted to the said Secretary of State, who shall immediately deliver them over to the said board of commissioners; *provided*, that no such application shall be made by, or at the instance of, any claimant, until the facts which it is expected to prove by such books, records, or documents, shall have been stated under oath or affirmation.

ARTICLE XVI.

Each of the contracting parties reserves to itself the entire right to fortify whatever point within its territory it may judge proper so to fortify, for its security.

ARTICLE XVII.

The treaty of amity, commerce, and navigation, concluded at the City of Mexico on the fifth day of April, A. D. 1831, between the United States of America and the United Mexican States, except the additional article, and except so far as the stipulations of the said treaty may be incompatible with any stipulation contained in the present treaty, is hereby revived for the period of eight years from the day of the exchange of ratifications of this treaty, with the same force and virtue as if incorporated therein; it being understood that each of the contracting parties reserves to itself the right, at any time after the said period of eight years shall have expired, to terminate the same by giving one year's notice of such intention to the other party.

ARTICLE XVIII.

All supplies whatever for troops of the United States in Mexico, arriving at ports in the occupation of such troops previous to the final evacuation thereof, although subsequently to the restoration of the custom-houses at such ports, shall be entirely exempt from duties and charges of any kind; the government of the United States hereby engaging and pledging its faith to establish, and vigilantly to enforce all possible guards for securing the revenue of Mexico, by preventing the importation, under cover of this stipulation, of any articles other than such, both in kind and in quantity, as shall really be wanted for the use and consumption of the forces of the United States during the time they may remain in Mexico. To this end, it shall be the duty of all officers and agents of the United States to denounce to the Mexican authorities at the respective ports any attempts at a fraudulent abuse of this stipulation which they may know of or may have reason to suspect, and to give to such authorities all the aid in their power with regard thereto; and every such attempt, when duly proved and established by sentence of a competent tribunal, shall be punished by the confiscation of the property so attempted to be fraudulently introduced.

ARTICLE XIX.

With respect to all merchandise, effects, and property whatsoever, imported into ports of Mexico whilst in the occupation of the forces of the United States, whether by citizens of either republic, or by citizens or subjects of any neutral nation, the following rules shall be observed:

1. All such merchandise, effects, and property, if imported previously to the restoration of the custom-houses to the Mexican authorities, as stipulated for in the third article of this treaty, shall be exempt from confiscation, although the importation of the same be prohibited by the Mexican tariff.

2. The same perfect exemption shall be enjoyed by all such merchandise, effects, and property, imported subsequently to the restoration of the custom-houses, and previously to the sixty days fixed in the following article for the coming into force of the Mexican tariff at such ports respectively; the said merchandise, effects, and property being, however, at the time of their importation, subject to the payment of duties, as provided for in the said following article.

3. All merchandise, effects, and property described in the two rules foregoing shall, during their continuance at the place of importation, and upon their leaving such place for the interior, be exempt from all duty, tax, or impost of every kind, under whatsoever title or denomination. Nor shall they be there subjected to any charge whatsoever upon the sale thereof.

4. All merchandise, effects, and property described in the first and second rules, which shall have been removed to any place in the interior whilst such place was in the occupation of the forces of the United States, shall, during their continuance therein, be exempt from all tax upon the sale or consumption thereof, and from every kind of impost or contribution, under whatsoever title or denomination.

5. But if any merchandise, effects, or property described in the first and second rules, shall be removed to any place not occupied at the time by the forces of the United States, they shall, upon their introduction into such place, or upon their sale or consumption there, be subject to the same duties which, under the Mexican laws, they would be required to pay in such cases if they had been imported in time of peace, through the maritime custom-houses, and had there paid the duties conformably with the Mexican tariff.

6. The owners of all merchandise, effects, or property described in the first and second rules, and existing in any port of Mexico,

shall have the right to reship the same, exempt from all tax, impost, or contribution whatever.

With respect to the metals, or other property, exported from any Mexican port whilst in the occupation of the forces of the United States, and previously to the restoration of the custom-house of such port, no person shall be required by the Mexican authorities, whether general or state, to pay any tax, duty or contribution upon any such exportation, or in any manner to account for the same to the said authorities.

ARTICLE XX.

Through consideration for the interests of commerce generally, it is agreed, that if less than sixty days should elapse between the date of the signature of this treaty and the restoration of the custom-houses conformably with the stipulation in the third article, in such case all merchandise, effects and property whatsoever, arriving at the Mexican ports after the restoration of the said custom-houses, and previously to the expiration of sixty days after the day of the signature of this treaty, shall be admitted to entry; and no other duties shall be levied thereon than the duties established by the tariff found in force at such custom-houses at the time of the restoration of the same. And to all such merchandise, effects and property, the rules established by the preceding article shall apply.

ARTICLE XXI.

If, unhappily, any disagreement should hereafter arise between the governments of the two republics, whether with respect to the interpretation of any stipulation in this treaty, or with respect to any other particular concerning the political or commercial relations of the two nations, the said governments, in the name of those nations, do promise to each other that they will endeavor, in the most sincere and earnest manner, to settle the differences so arising, and to preserve the state of peace and friendship in which the two countries are now placing themselves; using, for this end, mutual representations and pacific negotiations. And if, by these means, they should not be enabled to come to an agreement, a resort shall not, on this account, be had to reprisals, aggression, or hostility of any kind, by the one republic against the other, until the government of that which deems itself aggrieved shall have maturely considered, in the spirit of peace and good neighborship, whether it would not be better that such difference should be settled by the arbitration of commissioners

appointed on each side, or by that of a friendly nation. And should such course be proposed by either party, it shall be acceded to by the other, unless deemed by it altogether incompatible with the nature of the difference, or the circumstances of the case.

ARTICLE XXII.

If (which is not to be expected, and which God forbid!) war should unhappily break out between the two republics, they do now, with a view to such calamity, solemnly pledge themselves to each other and to the world, to observe the following rules, absolutely, where the nature of the subject permits, and as closely as possible in all cases where such absolute observance shall be impossible:

1. The merchants of either republic then residing in the other shall be allowed to remain twelve months (for those dwelling in the interior), and six months (for those dwelling at the seaports), to collect their debts and settle their affairs; during which periods they shall enjoy the same protection and be on the same footing, in all respects, as the citizens or subjects of the most friendly nations; and, at the expiration thereof, or at any time before, they shall have full liberty to depart, carrying off all their effects without molestation or hindrance; conforming therein to the same laws which the citizens or subjects of the most friendly nations are required to conform to. Upon the entrance of the armies of either nation into the territories of the other, women and children, ecclesiastics, scholars of every faculty, cultivators of the earth, merchants, artisans, manufacturers and fishermen, unarmed and inhabiting unfortified towns, villages or places, and in general all persons whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments unmolested in their persons. Nor shall their houses or goods be burned or otherwise destroyed, nor their cattle taken, nor their fields wasted by the armed force into whose power, by the events of war, they may happen to fall; but if the necessity arise to take anything from them for the use of such armed force, the same shall be paid for at an equitable price. All churches, hospitals, schools, colleges, libraries, and other establishments for charitable and beneficent purposes, shall be respected, and all persons connected with the same protected in the discharge of their duties and the pursuit of their vocations.

2. In order that the fate of prisoners of war may be alleviated, all such practices as those of sending them into distant, inclem-

ent, or unwholesome districts, or crowding them into close or noxious places, shall be studiously avoided. They shall not be confined in dungeons, prison-ships, or prisons; nor be put in irons, or bound, or otherwise restrained in the use of their limbs. The officers shall enjoy liberty on their paroles, within convenient districts, and have comfortable quarters; and the common soldiers shall be disposed in cantonments, open and extensive enough for air and exercise, and lodged in barracks as roomy and good as are provided by the party in whose power they are, for its own troops. But if any officer shall break his parole by leaving the district so assigned him, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual, officer, or other prisoner shall forfeit so much of the benefit of this article as provides for his liberty on parole or in cantonment. And if any officer so breaking his parole, or any common soldier so escaping from the limits assigned him, shall afterwards be found in arms, previously to his being regularly exchanged, the person so offending shall be dealt with according to the established laws of war. The officers shall be daily furnished by the party in whose power they are, with as many rations, and of the same articles, as are allowed, either in kind or by commutation, to officers of equal rank in its own army; and all others shall be daily furnished with such rations as is allowed to a common soldier in its own service; the value of all which supplies shall, at the close of the war, or at periods to be agreed upon between the respective commanders, be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners; and such accounts shall not be mingled with or set off against any others, nor the balance due on them be withheld, as a compensation or reprisal for any cause whatever, real or pretended. Each party shall be allowed to keep a commissary of prisoners, appointed by itself, with every cantonment of prisoners, in possession of the other; which commissary shall see the prisoners as often as he pleases; shall be allowed to receive, exempt from all duties or taxes, and to distribute whatever comforts may be sent to them by their friends; and shall be free to transmit his reports in open letters to the party by whom he is employed.

And it is declared that neither the pretense that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending the solemn covenant contained in this article. On the contrary, the state of war is precisely that for which it is provided; and during which its stipulations are to be

as sacredly observed as the most acknowledged obligations under the law of nature or nations.

ARTICLE XXIII.

This treaty shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the Mexican Republic, with the previous approbation of its General Congress; and the ratifications shall be exchanged in the City of Washington, or at the seat of government of Mexico, in four months from the date of the signature hereof, or sooner, if practicable.

IN FAITH WHEREOF, we, the respective plenipotentiaries, have signed this treaty of peace, friendship, limits and settlement; and have hereunto affixed our seals respectively. Done in quintuplicate, at the City of Guadalupe Hidalgo, on the second day of February, in the year of our Lord, one thousand eight hundred and forty-eight.

N. P. TRIST,	[L. S.]
LUIS G. CUEVAS,	[L. S.]
BERNARDO COUTO,	[L. S.]
MIGL. ATRISTAN,	[L. S.]

AND, WHEREAS, The said treaty, as amended, has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Queretaro on the thirtieth day of May last, by Ambrose H. Sevier and Nathan Clifford, Commissioners on the part of the Government of the United States, and by Señor Don Luis de la Rosa, Minister of Relations of the Mexican Republic, on the part of that government:

NOW, THEREFORE BE IT KNOWN, That I, JAMES K. POLK, President of the United States of America, have caused the said treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington, this fourth day of July,

[L. S.] one thousand eight hundred and forty-eight, and of the independence of the United States the seventy-third.

JAMES K. POLK.

By the President:

JAMES BUCHANAN, Secretary of State.

ARTICLES REFERRED TO IN THE FIFTEENTH ARTICLE OF THE PRECEDING TREATY.

First and Fifth Articles of the Unratified Convention Between the United States and the Mexican Republic of the 20th of November, 1843.

ARTICLE I.

All claims of citizens of the Mexican Republic against the government of the United States, which shall be presented in the manner and time hereinafter expressed, and all claims of citizens of the United States against the government of the Mexican Republic, which for whatever cause were not submitted to, nor considered nor finally decided by, the commission, nor by the arbiter appointed by the convention of 1839, and which shall be presented in the manner and time hereinafter specified, shall be referred to four commissioners, who shall form a board, and shall be appointed in the following manner, that is to say: Two commissioners shall be appointed by the President of the Mexican Republic, and the other two by the President of the United States, with the approbation and consent of the Senate. The said commissioners, thus appointed, shall, in presence of each other, take an oath to examine and decide impartially the claims submitted to them, and which may lawfully be considered, according to the proofs which shall be presented, the principles of right and justice, the law of nations, and the treaties between the two republics.

ARTICLE V.

All claims of citizens of the United States against the government of the Mexican Republic, which were considered by the commissioners, and referred to the umpire appointed under the convention of the eleventh April, 1839, and which were not decided by him, shall be referred to, and decided by, the umpire to be appointed, as provided by this convention, on the points submitted to the umpire under the late convention, and his decision shall be final and conclusive. It is also agreed, that, if the respective commissioners shall deem it expedient, they may submit to the said arbiter new arguments upon the said claims.

CONSTITUTION OF THE STATE OF CALIFORNIA—1849.

The delegates to the first Constitutional Convention met in Colton Hall in the town of Monterey at 12 m. of Saturday, the first day of September, 1849, and the Constitution of the State of California was adopted by the convention October 10, 1849, ratified by the people November 13, 1849, proclaimed December 20, 1849, and amended in 1859, 1862, and 1871.

PREAMBLE.

We, the people of California, grateful to Almighty God for our freedom, in order to secure its blessings, do establish this Constitution.

4 Cal. 46.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men are by nature free and independent, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property; and pursuing and obtaining safety and happiness.

7 Cal. 6, 16; 9 Cal. 504; 18 Cal. 680; 22 Cal. 324; 23 Cal. 464; 32 Cal. 249; 33 Cal. 281; 36 Cal. 671; 38 Cal. 703; 39 Cal. 179; 47 Cal. 233.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right to alter or reform the same whenever the public good may require it.

22 Cal. 324; 30 Cal. 189; 69 Cal. 372.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties, in all civil cases, in the manner to be prescribed by law.

5 Cal. 112; 16 Cal. 253; 19 Cal. 141, 596; 22 Cal. 316; 47 Cal. 234; 51 Cal. 280.

SEC. 4. The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on

matters of religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

9 Cal. 504; 17 Cal. 612; 18 Cal. 680; 43 Cal. 34; 48 Cal. 482; 59 Cal. 13; 60 Cal. 203.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require its suspension.

11 Cal. 226.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishments be inflicted; nor shall witnesses be unreasonably detained.

SEC. 7. All persons shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or the presumption great.

19 Cal. 541; 41 Cal. 31; 48 Cal. 4.

SEC. 8. No person shall be held to answer for a capital or otherwise infamous crime (except in cases of impeachment and in cases of militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature) unless on presentment or indictment of a grand jury; and, in any trial in any court whatever, the party accused shall be allowed to appear and defend, in person and with counsel, as in civil actions. No person shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty or property without due process of law; nor shall private property be taken for public use without just compensation.

3 Cal. 73; 7 Cal. 121; 12 Cal. 83; 14 Cal. 107; 18 Cal. 229, 251; 22 Cal. 316; 23 Cal. 326; 29 Cal. 256; 31 Cal. 368, 538; 32 Cal. 250; 33 Cal. 281; 39 Cal. 179; 40 Cal. 513; 41 Cal. 168, 256; 42 Cal. 168; 43 Cal. 79; 47 Cal. 115; 48 Cal. 4, 177, 334; 50 Cal. 403; 51 Cal. 86, 248, 269, 577; 53 Cal. 45, 212, 412; 54 Cal. 531; 59 Cal. 245; 60 Cal. 105; 64 Cal. 178; 66 Cal. 501; 69 Cal. 372; 78 Cal. 566, 567; 109 Cal. 449, 622; 130 Cal. 495; 167 Cal. 318.

SEC. 9. Every citizen may freely speak, write and publish his sentiments on all subjects, being responsible for the abuse of that

right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions on indictments for libels, the truth may be given in evidence to the jury; and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives and for justifiable ends, the party shall be acquitted; and the jury shall have the right to determine the law and the fact.

22 Cal. 316.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

SEC. 11. All laws of a general nature shall have a uniform operation.

17 Cal. 552; 24 Cal. 544; 26 Cal. 255; 36 Cal. 671; 37 Cal. 375, 691; 38 Cal. 703; 43 Cal. 432; 52 Cal. 601; 58 Cal. 61; 122 Cal. 147.

SEC. 12. The military shall be subordinate to the civil power. No standing army shall be kept up by this State in time of peace; and, in time of war, no appropriation for a standing army shall be for a longer time than two years.

SEC. 13. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, except in the manner to be prescribed by law.

SEC. 14. Representation shall be apportioned according to population.

SEC. 15. No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in cases of fraud; and no person shall be imprisoned for a militia fine in time of peace.

1 Cal. 440; 6 Cal. 240; 18 Cal. 64; 53 Cal. 207.

SEC. 16. No bill of attainder, ex post facto law, or law impairing the obligation of contracts, shall ever be passed.

19 Cal. 173; 22 Cal. 316; 39 Cal. 272.

SEC. 17. Foreigners who are or who may hereafter become bona fide residents of this State shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

6 Cal. 253; 12 Cal. 450; 13 Cal. 165; 18 Cal. 219; 30 Cal. 189; 36 Cal. 671; 61 Cal. 358; 65 Cal. 595.

SEC. 18. Neither slavery nor involuntary servitude, unless for the punishment of crime, shall ever be tolerated in this State.

SEC. 19. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue, but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SEC. 20. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

SEC. 21. This enumeration of rights shall not be construed to impair or deny others retained by the people.

32 Cal. 249; 39 Cal. 179; 48 Cal. 177.

SEC. 22. The Legislature shall have no power to make an appropriation, for any purpose whatever, for a longer period than two years. [*New section; ratified September 6, 1871*]

ARTICLE II.

RIGHT OF SUFFRAGE.

SECTION 1. Every white male citizen of the United States, and every white male citizen of Mexico who shall have elected to become a citizen of the United States, under the treaty of peace exchanged and ratified at Queretaro, on the thirtieth day of May, eighteen hundred and forty-eight, of the age of twenty-one years, who shall have been a resident of the State six months next preceding the election and the county or district in which he claims his vote thirty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law; *provided*, that nothing herein contained shall be construed to prevent the Legislature, by a two-thirds concurrent vote, from admitting to the right of suffrage Indians or the descendants of Indians, in such special cases as such a proportion of the legislative body may deem just and proper.

5 Cal. 25; 26 Cal. 178, 261; 43 Cal. 45; 83 Cal. 81.

SEC. 2. Electors shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest on the days of election, during their attendance at such election, going to and returning therefrom.

26 Cal. 209.

SEC. 3. No elector shall be obliged to perform militia duty on the day of election, except in time of war or public danger.

26 Cal. 249.

SEC. 4. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this State or of the United States, or of the high seas; nor while a student at any seminary of learning; nor while kept at any almshouse, or other asylum, at public expense; nor while confined in any public prison.

15 Cal. 49; 26 Cal. 211; 28 Cal. 140; 31 Cal. 262; 38 Cal. 93.

SEC. 5. No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privileges of an elector.

SEC. 6. All elections by the people shall be by ballot.

26 Cal. 186.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government of the State of California shall be divided into three separate departments: the legislative, the executive and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases hereinafter expressly directed or permitted.

5 Cal. 19, 112; 8 Cal. 15; 10 Cal. 403; 17 Cal. 557; 20 Cal. 43; 22 Cal. 478; 24 Cal. 126; 29 Cal. 452; 30 Cal. 167; 33 Cal. 281; 34 Cal. 525; 46 Cal. 514; 47 Cal. 653; 50 Cal. 403; 52 Cal. 135; 151 Cal. 285.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this State shall be vested in a Senate and Assembly, which shall be designated the Legislature of the State of California, and the enacting clause of every law shall be as follows: "The people of the State of California, represented in Senate and Assembly, do enact as follows."

5 Cal. 21; 46 Cal. 514; 47 Cal. 652; 166 Cal. 605; 167 Cal. 319.

SEC. 2. The sessions of the Legislature shall be biennial and shall commence on the first Monday of December, next ensuing the election of its members, unless the Governor of the State shall, in the interim, convene the Legislature by proclamation. No session shall continue longer than one hundred and twenty days. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 2. The sessions of the Legislature shall be annual, and shall commence on the first Monday of January, next ensuing the election of its members. unless the Governor of the State shall, in the interim, convene the Legislature by proclamation.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the first Wednesday in September, unless otherwise ordered by the Legislature, and their term of office shall be two years. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 3. The members of the Assembly shall be chosen annually, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, unless otherwise ordered by the Legislature, and their term of office shall be one year.

26 Cal. 254.

SEC. 4. Senators and members of Assembly shall be duly qualified electors in the respective counties and districts which they represent.

SEC. 5. Senators shall be chosen for the term of four years, at the same time and places as members of the Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State and of the county or district for which he shall be chosen one year next before his election. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 5. Senators shall be chosen for the term of two years, at the same time and places as members of Assembly; and no person shall be a member of the Senate or Assembly who has not been a citizen and inhabitant of the State one year, and of the county or district for which he shall be chosen six months next before his election.

26 Cal. 253.

SEC. 6. The number of Senators shall not be less than one third nor more than one half of that of the members of the Assembly; and at the first session of the Legislature after this section takes effect, the Senators shall be divided by lot, as equally as may be, into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second

year, so that one half shall be chosen biennially. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 6. The number of Senators shall not be less than one third nor more than one half of that of the members of Assembly; and at the first session of the Legislature after this Constitution takes effect, the Senators shall be divided by lot as equally as may be, into two classes; the seats of the Senators of the first class shall be vacated at the expiration of the first year, so that one half shall be chosen annually.

SEC. 7. When the number of Senators is increased, they shall be apportioned by lot, so as to keep the two classes as nearly equal in number as possible.

8 Cal. 415.

SEC. 8. Each house shall choose its own officers, and judge of the qualifications, elections, and returns of its own members.

34 Cal. 535; 47 Cal. 525.

SEC. 9. A majority of each house shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SEC. 10. Each house shall determine the rules of its own proceedings, and may, with the concurrence of two thirds of all the members elected, expel a member.

34 Cal. 535.

SEC. 11. Each house shall keep a journal of its own proceedings, and publish the same; and the yeas and nays of the members of either house on any question shall, at the desire of any three members present, be entered on the journal.

SEC. 12. Members of the Legislature shall, in all cases except treason, felony, and breach of the peace, be privileged from arrest, and shall not be subject to any civil process during the session of the Legislature, nor for fifteen days next before the commencement and after the termination of each session.

SEC. 13. When vacancies occur in either house, the Governor, or the person exercising the functions of the Governor, shall issue writs of election to fill such vacancies.

SEC. 14. The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SEC. 15. Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SEC. 16. Any bill may originate in either house of the Legislature, and all bills passed by one house may be amended in the other.

SEC. 17. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not he shall return it, with his objections, to the house in which it originated, which shall enter the same upon the journal, and proceed to reconsider it. If, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two thirds of the members of each house present, it shall become a law notwithstanding the Governor's objections. If any bill shall not be returned within ten days after it shall have been presented to him (Sundays excepted) the same shall become a law, in like manner as if he had signed it, unless the Legislature, by adjournment, prevent such return.

2 Cal. 172; 6 Cal. 660; 8 Cal. 412; 9 Cal. 522; 39 Cal. 189, 202, 541.

SEC. 18. The Assembly shall have the sole power of impeachment and all impeachments shall be tried by the Senate. When sitting for that purpose, the Senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two thirds of the members present.

34 Cal. 535; 45 Cal. 218; 118 Cal. 483.

SEC. 19. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General, Surveyor-General, Justices of the Supreme Court, and Judges of the District Court, shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under the State; but the party convicted or acquitted shall, nevertheless, be liable to indictment, trial, and punishment according to law. All other civil officers shall be tried for misdemeanors in office in such a manner as the Legislature may provide.

2 Cal. 211; 22 Cal. 314; 45 Cal. 218; 118 Cal. 483.

SEC. 20. No Senator or member of Assembly shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State which shall have been created or the emoluments of which shall have been increased

during such term, except such offices as may be filled by election by the people.

22 Cal. 314.

SEC. 21. No person holding any lucrative office under the United States, or any other power, shall be eligible to any civil office of profit under this State; *provided*, that officers in the militia to which there is attached no annual salary, or local officers and postmasters whose compensation does not exceed five hundred dollars per annum, shall not be deemed lucrative.

10 Cal. 43; 15 Cal. 119; 20 Cal. 142, 143; 22 Cal. 314; 52 Cal. 39.

SEC. 22. No person who shall be convicted of the embezzlement or defalcation of the public funds of this State shall ever be eligible to any office of honor, trust or profit under this State; and the Legislature shall, as soon as practicable, pass a law providing for the punishment of such embezzlement or defalcation as a felony.

SEC. 23. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public moneys shall be attached to and published with the laws at every regular session of the Legislature.

36 Cal. 621; 106 Cal. 116.

SEC. 24. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of the compensation shall take effect during the term for which the members of either house shall have been elected.

9 Cal. 347; 132 Cal. 219, 220; 134 Cal. 296, 297.

SEC. 25. Every law enacted by the Legislature shall embrace but one object, and that shall be expressed in the title; and no law shall be revised or amended by reference to its title; but in such case the act revised or section amended shall be re-enacted and published at length.

2 Cal. 299; 6 Cal. 383; 9 Cal. 522; 10 Cal. 316; 36 Cal. 622; 144 Cal. 387; 16 Cal. App. 344.

SEC. 26. No divorce shall be granted by the Legislature.

SEC. 27. No lottery shall be allowed by this State, nor shall the sale of lottery tickets be allowed.

SEC. 28. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, in the

years one thousand eight hundred and fifty-two, and one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States, in the year one thousand eight hundred and fifty, and every subsequent ten years, shall serve as the basis of representation in both houses of the Legislature.

SEC. 29. The number of Senators and members of Assembly shall, at the first session of the Legislature holden after the enumerations herein provided for are made, be fixed by the Legislature and apportioned among the several counties and districts to be established by law, according to the number of white inhabitants. The number of members of Assembly shall not be less than twenty-four nor more than thirty-six, until the number of inhabitants within this State shall amount to one hundred thousand; and, after that period, in such ratio that the whole number of members of Assembly shall never be less than thirty nor more than eighty.

SEC. 30. When a congressional, senatorial or assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district. No county shall be divided in forming a congressional, senatorial or assembly district, so as to attach one portion of a county to another county; but the Legislature may divide each county into as many congressional, senatorial or assembly districts as such county may by apportionment be entitled to. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 30. When a congressional, senatorial or assembly district shall be composed of two or more counties, it shall not be separated by any county belonging to another district; and no county shall be divided, in forming a congressional, senatorial or assembly district.

SEC. 31. Corporations may be formed under general laws, but shall not be created by special act, except for municipal purposes. All general laws and special acts passed pursuant to this section may be altered from time to time, or repealed.

5 Cal. 46; 22 Cal. 423; 37 Cal. 379, 540; 48 Cal. 509, *et seq.*; 52 Cal. 142; 54 Cal. 95; 61 Cal. 5, 42; 77 Cal. 371; 98 Cal. 53; 109 Cal. 580; 111 Cal. 66; 119 Cal. 341; 160 Cal. 121; 166 Cal. 605.

SEC. 32. Dues from corporations shall be secured by such individual liability of the corporators and other means as may be prescribed by law.

24 Cal. 538; 35 Cal. 166; 62 Cal. 461; 72 Cal. 468, *et seq.*; 111 Cal. 62, *et seq.*

SEC. 33. The term corporations, as used in this article, shall be construed to include all associations and joint-stock companies having any of the powers or privileges of corporations not possessed by individuals or partnerships. And all corporations shall have the right to sue and shall be subject to be sued in all courts, in like cases as natural persons.

111 Cal. 62.

SEC. 34. The Legislature shall have no power to pass any act granting any charter for banking purposes, but associations may be formed, under general laws, for the deposit of gold and silver, but no such association shall make, issue or put in circulation any bill, check, ticket, certificate, promissory note, or other paper, or the paper of any bank, to circulate as money.

52 Cal. 198; 105 Cal. 377.

SEC. 35. The Legislature of this State shall prohibit by law any person or persons, association, company or corporation from exercising the privilege of banking or creating paper to circulate as money.

105 Cal. 378.

SEC. 36. Each stockholder of a corporation or joint-stock association shall be individually and personally liable for his proportion of all its debts and liabilities.

24 Cal. 538; 35 Cal. 166; 62 Cal. 461; 111 Cal. 62, *et seq.*; 119 Cal. 340; 160 Cal. 581, 587.

SEC. 37. It shall be the duty of the Legislature to provide for the organization of cities and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessments and in contracting debts by such municipal corporations.

31 Cal. 252; 34 Cal. 523; 47 Cal. 657; 48 Cal. 318; 51 Cal. 24, *et seq.*; 52 Cal. 143; 128 Cal. 593; 166 Cal. 605.

SEC. 38. In all elections by the Legislature the members thereof shall vote viva voce, and the votes shall be entered on the journal.

SEC. 39. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed

to Article IV by the Legislature of eighteen hundred and sixty-one, no officer shall be suspended or superseded thereby until the election and qualification of the several officers provided for in said amendments. [*New section; ratified September 3, 1862*]

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of the State shall be vested in a chief magistrate, who shall be styled the Governor of the State of California.

5 Cal. 21.

SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of the Assembly, and shall hold his office for four years from and after the first Monday in December subsequent to his election; and until his successor is elected and qualified. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 2. The Governor shall be elected by the qualified electors, at the time and places of voting for members of Assembly, and shall hold his office two years from the time of his installation, and until his successor shall be qualified.

10 Cal. 44; 26 Cal. 253; 62 Cal. 569.

SEC. 3. No person shall be eligible to the office of Governor (except at the first election) who has not been a citizen of the United States and a resident of this State two years next preceding the election, and attained the age of twenty-five years at the time of said election.

SEC. 4. The returns of every election for Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the Assembly, who shall, during the first week of the session, open and publish them in presence of both houses of the Legislature. The person having the highest number of votes shall be Governor; but in case any two or more have an equal and the highest number of votes, the Legislature shall, by joint vote of both houses, choose one of said persons so having an equal and the highest number of votes, for Governor.

34 Cal. 536.

SEC. 5. The Governor shall be commander-in-chief of the militia, the army and navy of this State.

SEC. 6. He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive depart-

ment, upon any subject relating to the duties of their respective offices.

SEC. 7. He shall see that the laws are faithfully executed.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and law for filling such vacancy, the Governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the Legislature, or at the next election by the people.

1 Cal. 535; 2 Cal. 203; 3 Cal. 505; 6 Cal. 290; 7 Cal. 523; 8 Cal. 12; 20 Cal. 507; 22 Cal. 314; 34 Cal. 541; 37 Cal. 617, 641; 52 Cal. 167.

SEC. 9. He may, on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SEC. 10. He shall communicate by message to the Legislature, at every session, the condition of the State, and recommend such matters as he shall deem expedient.

SEC. 11. In case of a disagreement between the two houses with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

34 Cal. 536.

SEC. 12. No person shall, while holding any office under the United States, or this State, exercise the office of Governor, except as hereinafter expressly provided.

22 Cal. 314.

SEC. 13. The Governor shall have the power to grant reprieves and pardons after conviction for all offenses except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have the power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. He shall communicate to the Legislature, at the beginning of every session, every case of reprieve or pardon granted, stating the name

of the convict, the crime of which he was convicted, the sentence and its date, and the date of the pardon or reprieve.

34 Cal. 536; 43 Cal. 441.

SEC. 14. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially and shall be called "The Great Seal of the State of California."

SEC. 15. All grants and commissions shall be in the name and by the authority of the people of the State of California, sealed with the great seal of the State, signed by the Governor, and countersigned by the Secretary of State.

SEC. 16. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor; and his term of office and his qualifications of eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of his office, or be absent from the State, the President of the Senate shall act as Governor until the vacancy be filled or the disability shall cease.

2 Cal. 223; 10 Cal. 44; 26 Cal. 253; 34 Cal. 536; 62 Cal. 569.

SEC. 17. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of said office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, at the head of any military force thereof, he shall continue commander-in-chief of all the military forces of the State.

10 Cal. 44; 62 Cal. 569.

SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and a Surveyor-General shall be elected at the same time and places and in the same manner as the Governor and Lieutenant-Governor, and whose term of office shall be the same as the Governor. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 18. A Secretary of State, a Controller, a Treasurer, an Attorney-General and Surveyor-General shall be chosen in the manner provided in this Constitution; and the

term of office and eligibility of each shall be the same as are prescribed for the Governor and Lieutenant-Governor.

15 Cal. 62.

SEC. 19. The Secretary of State shall keep a fair record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as may be assigned him by law; and in order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article V, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded or suspended thereby, until the election and qualification of the several officers provided for in said amendments. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 19. The Secretary of State shall be appointed by the Governor, by and with the advice and consent of the Senate. He shall keep a fair record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature, and shall perform such other duties as shall be assigned him by law.

SEC. 20. The Controller, Treasurer, Attorney-General and Surveyor-General shall be chosen by joint vote of the two houses of the Legislature at their first session under this Constitution, and thereafter shall be elected at the same time and places, and in the same manner, as the Governor and Lieutenant-Governor.

15 Cal. 62; 26 Cal. 253.

SEC. 21. The Governor, Lieutenant-Governor, Secretary of State, Controller, Treasurer, Attorney-General and Surveyor-General shall each, at stated times during their continuance in office, receive for their services a compensation which shall not be increased or diminished during the term for which they shall have been elected; but neither of these officers shall receive for his own use any fees for the performance of his official duties.

9 Cal. 347; 47 Cal. 366.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts, in Probate Courts and in Justices of the Peace, and in such Recorders' and other inferior courts as the Legislature may establish in any

incorporated city or town. [*Amendment ratified September 3, 1862*]

Original text.—SECTION 1. The judicial power of this State shall be vested in a Supreme Court, in District Courts, in County Courts and in Justices of the Peace. The Legislature may also establish such municipal and other inferior courts as may be deemed necessary.

1 Cal. 145, 380; 5 Cal. 20; 11 Cal. 85; 12 Cal. 387; 21 Cal. 417; 22 Cal. 478; 34 Cal. 523, 532; 39 Cal. 517; 41 Cal. 131; 48 Cal. 74; 50 Cal. 407; 52 Cal. 223; 58 Cal. 417.

SEC. 2. The Supreme Court shall consist of a Chief Justice and four Associate Justices. The presence of three justices shall be necessary for the transaction of business, excepting such business as may be done at chambers, and the concurrence of three justices shall be necessary to pronounce a judgment. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, any two of whom shall constitute a quorum.

2 Cal. 202; 5 Cal. 104.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at special elections to be provided by law, at which elections no officer other than judicial shall be elected, except a Superintendent of Public Instruction. The first election for Justices of the Supreme Court shall be held in the year eighteen hundred and sixty-three. The justices shall hold their offices for the term of ten years from the first day of January next after their election, except those elected at the first election, who, at their first meeting, shall so classify themselves by lot, that one justice shall go out of office every two years. The justice having the shortest term to serve shall be the Chief Justice. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 3. The Justices of the Supreme Court shall be elected at the general election, by the qualified electors of the State, and shall hold their office for the term of six years from the first day of January next after their election; *provided*, that the Legislature shall, at its first meeting, elect a Chief Justice and two Associate Justices of the Supreme Court, by joint vote of both houses, and so classify them that one shall go out of office every two years. After the first election, the senior justice in commission shall be the Chief Justice.

2 Cal. 202; 8 Cal. 16; 10 Cal. 46.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law which involve the title or possession of real estate, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand, exclusive of interest, or the value of the property in controversy amounts to three hundred dollars; also in all cases arising in the probate courts; and also in all criminal cases amounting to felony, on questions of law alone. The court shall have power to issue writs of mandamus, certiorari, prohibition and habeas corpus, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the justices shall have power to issue writs of habeas corpus to any part of the State, upon petition on behalf of any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any district court or any county court in the State, or before any judge of said courts. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases when the matter in dispute exceeds two hundred dollars, when the legality of any tax, toll, or impost, or municipal fine is in question, and in all criminal cases amounting to felony, on questions of law alone. And the said court, and each of the justices thereof, as well as all district and county judges, shall have power to issue writs of habeas corpus at the instance of any person held in actual custody. They shall also have power to issue all other writs and process necessary to the exercise of their appellate jurisdiction, and shall be conservators of the peace throughout the State.

1 Cal. 87, 91, 145; 3 Cal. 248, 389; 9 Cal. 89; 10 Cal. 46, 253; 13 Cal. 30; 25 Cal. 28, 95; 27 Cal. 107; 30 Cal. 101; 31 Cal. 144; 34 Cal. 33; 40 Cal. 482; 42 Cal. 56; 49 Cal. 140; 51 Cal. 318; 52 Cal. 222; 53 Cal. 291; 54 Cal. 371 *et seq.*; 55 Cal. 191; 60 Cal. 654 *et seq.*; 67 Cal. 213; 81 Cal. 464, 468; 157 Cal. 4.

SEC. 5. The State shall be divided, by the Legislature of eighteen hundred and sixty-three, into fourteen judicial districts, subject to such alteration, from time to time, by a two thirds vote of all the members elected to both houses, as the public good may require; in each of which there shall be a district court, and for each of which a district judge shall be elected by the qualified electors of the district at the special judicial elections to be held as provided for the election of Justices of the Supreme Court, by section three of this article. The district judges shall hold their offices for the term of six years from the

first day of January next after their election. The Legislature shall have no power to grant leave of absence to a judicial officer; and any such officer who shall absent himself from the State for upwards of thirty consecutive days shall be deemed to have forfeited his office. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 5. The State shall be divided by the first Legislature into a convenient number of districts, subject to such alteration from time to time as the public good may require, for each of which a district judge shall be appointed by the joint vote of the Legislature, at its first meeting, who shall hold his office for two years from the first day of January next after his election; after which, said judges shall be elected by the qualified electors of their respective districts, at the general election, and shall hold their office for the term of six years.

1 Cal. 381; 3 Cal. 504; 11 Cal. 85; 12 Cal. 387; 13 Cal. 477; 29 Cal. 485.

SEC. 6. The district courts shall have original jurisdiction in all cases in equity; also, in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand, exclusive of interest or the value of the property in controversy, amounts to three hundred dollars; and also in all criminal cases not otherwise provided for. The district courts and their judges shall have power to issue writs of habeas corpus, on petition by or on behalf of any person held in actual custody, in their respective districts. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 6. The district courts shall have original jurisdiction, in law and equity, in all civil cases where the amount in dispute exceeds two hundred dollars, exclusive of interest. In all criminal cases not otherwise provided for, and in all issues of fact joined in the probate courts, their jurisdiction shall be unlimited.

3 Cal. 389; 4 Cal. 342; 5 Cal. 95, 230; 9 Cal. 87; 10 Cal. 253; 24 Cal. 65; 26 Cal. 383; 28 Cal. 121; 30 Cal. 575; 31 Cal. 144, 339; 34 Cal. 688; 36 Cal. 28; 42 Cal. 56; 51 Cal. 501; 52 Cal. 491; 54 Cal. 288; 55 Cal. 266; 58 Cal. 400; 64 Cal. 288; 77 Cal. 375; 79 Cal. 484; 139 Cal. 477; 157 Cal. 788.

SEC. 7. There shall be in each of the organized counties of the State a county court, for each of which a county judge shall be elected by the qualified electors of the county at the special judicial elections to be held as provided for the election of

Justices of the Supreme Court by section three of this article. The county judges shall hold their offices for the term of four years from the first day of January next after their election. Said courts shall also have power to issue naturalization papers. In the city and county of San Francisco the Legislature may separate the office of probate judge from that of county judge, and may provide for the election of a probate judge, who shall hold his office for the term of four years. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 7. The Legislature shall provide for the election, by the people, of a clerk of the Supreme Court, and county clerks, district attorneys, sheriffs, coroners and other necessary officers; and shall fix by law their duties and compensation. County clerks shall be ex officio clerks of the district courts in and for their respective counties.

16 Cal. 442; 30 Cal. 683; 40 Cal. 654; 55 Cal. 266.

SEC. 8. The county court shall have original jurisdiction of actions of forcible entry and detainer, of proceedings in insolvency, of actions to prevent or abate a nuisance, and of all such special cases and proceedings as are not otherwise provided for; and also such criminal jurisdiction as the Legislature may prescribe; they shall also have appellate jurisdiction in all cases arising in courts held by justices of the peace and recorders, and in such inferior courts as may be established in pursuance of section one of this article, in their respective counties. The county judges shall also hold, in their several counties, probate courts, and perform such duties as probate judges as may be prescribed by law. The county courts and their judges shall also have power to issue writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. [*Amendment ratified September 3, 1862*]

Original text.— SEC. 8. There shall be elected in each of the organized counties of this State one county judge, who shall hold his office for four years. He shall hold the county court and perform the duties of surrogate or probate judge. The county judge, with two justices of the peace, to be designated according to law, shall hold courts of sessions, with such criminal jurisdiction as the Legislature shall prescribe, and he shall perform such other duties as shall be required by law.

5 Cal. 22; 6 Cal. 89; 9 Cal. 87; 10 Cal. 403; 20 Cal. 44; 28 Cal. 119; 30 Cal. 575; 34 Cal. 689; 36 Cal. 27; 37 Cal. 161; 38 Cal. 157; 39 Cal. 99; 41 Cal. 131; 42 Cal. 56; 44 Cal. 125; 45 Cal. 217, 679; 48 Cal. 72; 51 Cal. 433; 52 Cal. 223; 53 Cal. 413; 58 Cal. 402; 72 Cal. 439, 440; 108 Cal. 337; 4 Cal. App. 119.

SEC. 9. The Legislature shall determine the number of justices of the peace to be elected in each city and township of the State, and fix by law their powers, duties and responsibilities; *provided*, such powers shall not in any case trench upon the jurisdiction of the several courts of record. The Supreme Court, the district courts, county courts, the probate courts, and such other courts as the Legislature shall prescribe, shall be courts of record. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 9. The county courts shall have such jurisdiction, in cases arising in justices' courts, and in special cases, as the Legislature may prescribe, but shall have no original civil jurisdiction, except in such special cases.

3 Cal. 389; 5 Cal. 279; 6 Cal. 66; 9 Cal. 88; 15 Cal. 92; 19 Cal. 572; 24 Cal. 66, 452; 28 Cal. 119; 42 Cal. 67; 47 Cal. 8; 53 Cal. 413; 157 Cal. 776.

SEC. 10. The Legislature shall fix by law the jurisdiction of any recorder's or other inferior municipal court which may be established in pursuance of section one of this article, and shall fix by law the powers, duties and responsibilities of the judges thereof. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 10. The times and places of holding the terms of the Supreme Court, and the general and special terms of the district courts within the several districts, shall be provided for by law.

8 Cal. 382.

SEC. 11. The Legislature shall provide for the election of a clerk of the Supreme Court, county clerks, district attorneys, sheriffs, and other necessary officers, and shall fix by law their duties and compensation. County clerks shall be ex officio clerks of the courts of record in and for their respective counties. The Legislature shall also provide for the appointment by the several district courts of one or more commissioners in the several counties of their respective districts, with authority to perform chamber business of the judges of the district courts and county courts, and also to take depositions, and to perform such other business connected with the administration of justice as may be prescribed by law. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 11. No judicial officer, except a justice of the peace, shall receive to his own use, any fees or perquisites of office.

32 Cal. 299; 43 Cal. 435.

SEC. 12. The times and places of holding the terms of the several courts of record shall be provided for by law. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 12. The Legislature shall provide for the speedy publication of all statute laws, and of such judicial decisions as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person.

SEC. 13. No judicial officer, except justices of the peace, recorders and commissioners shall receive to his own use any fees or perquisites of office. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 13. Tribunals for conciliation may be established with such powers and duties as may be prescribed by law; but such tribunals shall have no power to render judgment to be obligatory on the parties, except they voluntarily submit their matters in difference, and agree to abide the judgment, or assent thereto in the presence of such tribunal, in such cases as shall be prescribed by law.

SEC. 14. The Legislature shall provide for the speedy publication of such opinions of the Supreme Court as it may deem expedient; and all opinions shall be free for publication by any person. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 14. The Legislature shall determine the number of justices of the peace to be elected in each county, city, town, and incorporated village of the State, and fix by law their powers, duties and responsibilities. It shall also determine in what cases appeals may be made from justices' courts to the county court.

5 Cal. 232; 9 Cal. 87.

SEC. 15. The Justices of the Supreme Court, district judges and county judges shall severally, at stated times during their continuance in office, receive for their services a compensation, which shall not be increased or diminished during the term for which they shall have been elected; *provided*, that county judges shall be paid out of the county treasury of their respective counties. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 15. The Justices of the Supreme Court and judges of the district courts shall severally, at stated times during their continuance in office, receive for their services a compensation to be paid out of the treasury.

2 Cal. 203; 9 Cal. 346; 12 Cal. 392.

SEC. 16. The Justices of the Supreme Court and the district judges and the county judges shall be ineligible to any other office than a judicial office during the term for which they shall have been elected. [*Amendment ratified September 3, 1862.*]

Original text.—SEC. 16. The Justices of the Supreme Court and district judges shall be ineligible to any other office during the term for which they shall have been elected.

12 Cal. 392; 30 Cal. 163; 38 Cal. 395.

SEC. 17. Judges shall not charge juries with respect to matters of fact, but may state the testimony and declare the law. [*Amendment ratified September 3, 1862*]

[The original section was in identical words]

27 Cal. 513; 49 Cal. 181; 55 Cal. 238; 104 Cal. 486; 129 Cal. 499, 500, 501; 133 Cal. 398.

SEC. 18. The style of all process shall be: "The people of the State of California," and all prosecutions shall be conducted in their name and by their authority. [*Amendment ratified September 3, 1862*]

Original text.—SEC. 18. The style of all process shall be: "The people of the State of California." All the prosecutions shall be conducted in their name and by the authority of the same.

59 Cal. 191; 104 Cal. 486.

SEC. 19. In order that no inconvenience may result to the public service from the taking effect of the amendments proposed to said Article VI, by the Legislature of eighteen hundred and sixty-one, no officer shall be superseded thereby, nor shall the organization of the several courts be changed thereby, until the election and qualification of the several officers provided for in said amendments. [*New section; ratified September 3, 1862*]

21 Cal. 416; 104 Cal. 486.

ARTICLE VII.

MILITIA.

SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia, in such manner as they shall deem expedient, not incompatible with the Constitution and laws of the United States.

SEC. 2. Officers of the militia shall be elected or appointed in such manner as the Legislature shall from time to time direct, and shall be commissioned by the Governor.

SEC. 3. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions.

ARTICLE VIII.

STATE INDEBTEDNESS.

SECTION 1. The Legislature shall not in any manner create any debt or debts, liability or liabilities, which shall, singly or in the aggregate, with any previous debts or liabilities, exceed the sum of three hundred thousand dollars, except in case of war, to repel invasion or suppress insurrection, unless the same shall be authorized by some law for some single object or work, to be distinctly specified therein, which law shall provide ways and means, exclusive of loans, for the payment of the interest of such debt or liability as it falls due, and also to pay and discharge the principal of such debt or liability within twenty years from the time of the contracting thereof, and shall be irrepealable until the principal and interest thereon shall be paid and discharged; but no such law shall take effect until, at a general election, it shall have been submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created; and such law shall be published in at least one newspaper in each judicial district, if one be published therein, throughout the State, for three months next preceding the election at which it is submitted to the people.

6 Cal. 500; 7 Cal. 66; 13 Cal. 182; 15 Cal. 454; 16 Cal. 253; 23 Cal. 174; 27 Cal. 206; 102 Cal. 293; 112 Cal. 167; 133 Cal. 600.

ARTICLE IX.

EDUCATION.

SECTION 1. A Superintendent of Public Instruction shall, at the special election for judicial officers to be held in the year eighteen hundred and sixty-three, and every four years thereafter, at such special elections, be elected by the qualified voters of the State, and shall enter upon the duties of his office on the first day of December next after his election. [*Amendment ratified September 3, 1862*]

Original text.—SECTION 1. The Legislature shall provide for the election, by the people, of a superintendent of public instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

SEC. 2. The Legislature shall encourage, by all suitable means, the promotion of intellectual, scientific, moral and agricultural improvement. The proceeds of all lands that may be granted by the United States to this State for the support of schools, which may be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of Congress distributing the proceeds of the public lands among the several states of the Union, approved A. D. one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without leaving a will or heir, and also such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

37 Cal. 244.

SEC. 3. The Legislature shall provide for a system of common schools, by which a school shall be kept up and supported in each district at least three months in every year; and any school district neglecting to keep up and support such a school may be deprived of its proportion of the interest of the public fund during such neglect.

48 Cal. 50.

SEC. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to this State, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

123 Cal. 616.

ARTICLE X.

AMENDMENT OF THE CONSTITUTION.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their journals with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become part of the Constitution.

SEC. 2. And if at any time two thirds of the Senate and Assembly shall think it necessary to revise and change this entire Constitution, they shall recommend to the electors at the next election for members of the Legislature to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. The Constitution that may have been agreed upon and adopted by such convention shall be submitted to the people, at a special election to be provided for by law, for their ratification or rejection. Each voter shall express his opinion by depositing in the ballot-box a ticket, whereon shall be written or printed the words "For the New Constitution" or "Against the New Constitution." The returns of such election shall, in such manner as the convention shall direct, be certified to the executive of the state, who shall call to his assistance the Controller, Treasurer, and Secretary of State, and compare the votes so certified to him. If by such examination, it be ascertained that a majority of the whole number of votes cast at such election be in favor of such new

Constitution, the Executive of this State shall, by his proclamation, declare such new Constitution to be the Constitution of the State of California. [*Amendment ratified November 4, 1856*]

Original section.—SEC. 2. And if, at any time, two thirds of the Senate and Assembly shall think it necessary to revise or change this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against the convention; and if it shall appear that a majority of the electors voting at such election have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention, to be holden within six months after the passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature.

26 Cal. 186.

ARTICLE XI.

MISCELLANEOUS PROVISIONS.

SECTION 1. The first session of the Legislature shall be held at the Pueblo de San Jose, which place shall be the permanent seat of government until removed by law; *provided, however,* that two thirds of all the members elected to each house of the Legislature shall concur in the passage of such law.

5 Cal. 32; 50 Cal. 572.

SEC. 2. Any citizen of this State who shall, after the adoption of this Constitution, fight a duel with deadly weapons, or send or accept a challenge to fight a duel with deadly weapons, either within this State or out of it, or who shall act as second or knowingly aid or assist in any manner those thus offending, shall not be allowed to hold any office of profit or to enjoy the right of suffrage under this Constitution.

SEC. 3. Members of the Legislature and all officers, executive and judicial, except such inferior officers as may be by law exempted, shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation:

"I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of ———— ————, according to the best of my ability."

And no other oath, declaration or test shall be required as a qualification for any office or public trust.

17 Cal. 20; 22 Cal. 307; 24 Cal. 243.

SEC. 4. The Legislature shall establish a system of county and town governments, which shall be as nearly uniform as practicable throughout the State.

33 Cal. 494; 34 Cal. 532; 47 Cal. 656; 48 Cal. 318; 50 Cal. 564; 58 Cal. 61; 121 Cal. 551.

SEC. 5. The Legislature shall have power to provide for the election of a board of supervisors in each county, and these supervisors shall jointly and individually perform such duties as may be prescribed by law.

5 Cal. 22; 33 Cal. 404; 39 Cal. 9; 47 Cal. 656; 52 Cal. 136; 53 Cal. 748.

SEC. 6. All officers whose election or appointment is not provided for by this Constitution, and all officers whose offices may hereafter be created by law, shall be elected by the people, or appointed, as the Legislature may direct.

8 Cal. 16; 22 Cal. 314; 34 Cal. 541; 45 Cal. 558.

SEC. 7. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment; nor shall the duration of any office not fixed by this Constitution ever exceed four years.

6 Cal. 289; 7 Cal. 102; 22 Cal. 314; 55 Cal. 524; 79 Cal. 113; 128 Cal. 604; 136 Cal. 581; 138 Cal. 16; 1 Cal. App. 7.

SEC. 8. The fiscal year shall commence on the first day of July.

23 Cal. 182; 43 Cal. 338.

SEC. 9. Each county, town, city and incorporated village shall make provision for the support of its own officers, subject to such restrictions and regulations as the Legislature may prescribe.

34 Cal. 533; 47 Cal. 657; 51 Cal. 29.

SEC. 10. The credit of the State shall not in any manner be given or loaned to or in aid of any individual, association or corporation; nor shall the State, directly or indirectly, become a stockholder in any association or corporation.

27 Cal. 207.

SEC. 11. Suits may be brought against the State in such manner and in such courts as shall be directed by law.

SEC. 12. No contract of marriage, if otherwise duly made, shall be invalidated for want of conformity to the requirements of any religious sect.

5 Cal. App. 648.

SEC. 13. Taxation shall be equal and uniform throughout the State. All property in the State shall be taxed in proportion to its value, to be ascertained as directed by law, but assessors and collectors of town, county and State taxes shall be elected by the qualified electors of the district, county, or town in which the property taxed for State, county, or town purposes is situated.

1 Cal. 252; 2 Cal. 592; 4 Cal. 49; 12 Cal. 83; 13 Cal. 350; 14 Cal. 16; 22 Cal. 369; 29 Cal. 451; 30 Cal. 683; 34 Cal. 475, 657; 37 Cal. 246; 40 Cal. 513; 41 Cal. 354; 43 Cal. 335, 434, 595; 44 Cal. 326; 46 Cal. 492, 506, 556; 47 Cal. 92, 234, 648 *et seq.*; 51 Cal. 38. 244, 501, 614; 52 Cal. 81, 601; 58 Cal. 61; 59 Cal. 96; 64 Cal. 507; 89 Cal. 114; 113 Cal. 399; 121 Cal. 552.

SEC. 14. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property.

43 Cal. 337; 153 Cal. 362.

SEC. 15. The Legislature shall protect by law from forced sale a certain portion of the homestead and other property of all heads of families.

14 Cal. 474; 24 Cal. 640; 54 Cal. 269, 619; 62 Cal. 138.

SEC. 16. No perpetuities shall be allowed except for eleemosynary purposes.

58 Cal. 472.

SEC. 17. Every person shall be disqualified from holding any office of profit in this State who shall have been convicted of having given or offered a bribe to procure his election or appointment.

SEC. 18. Laws shall be made to exclude from office, serving on juries and from the right of suffrage, those who shall hereafter be convicted of bribery, perjury, forgery, or other high

crimes. The privilege of free suffrage shall be supported by laws regulating elections and prohibiting, under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice.

2 Cal. 211; 22 Cal. 316.

SEC. 19. Absence from this State on business of the State or of the United States shall not affect the question of residence of any person.

26 Cal. 211; 43 Cal. 338.

SEC. 20. A plurality of the votes given at any election shall constitute a choice, where not otherwise directed in this Constitution.

SEC. 21. All laws, decrees, regulations and provisions which from their nature require publication, shall be published in English and Spanish.

ARTICLE XII.

BOUNDARY.

SECTION 1. The boundary of the State of California shall be as follows: Commencing at the point of intersection of forty-second degree of north latitude with the one hundred twentieth degree of longitude west from Greenwich, and running south on the line of said one hundred twentieth degree of west longitude until it intersects the thirty-ninth degree of north latitude; thence running in a straight line in a southeasterly direction to the River Colorado, at a point where it intersects the thirty-fifth degree of north latitude; thence down the middle of the channel of said river to the boundary line between the United States and Mexico, as established by the treaty of May thirtieth, one thousand eight hundred and forty-eight; thence running west and along said boundary line to the Pacific Ocean, and extending therein three English miles; thence running in a northwesterly direction and following the direction of the Pacific coast to the forty-second degree of north latitude; thence on the line of said forty-second degree of north latitude to the place of beginning. Also, all the islands, harbors and bays along and adjacent to the coast.

SCHEDULE.

SECTION 1. All rights, prosecutions, claims and contracts, as well of individuals as of bodies corporate, and all laws in force at the time of the adoption of this Constitution, and not

inconsistent therewith, until altered or repealed by the Legislature, shall continue as if the same had not been adopted.

66 Cal. 107.

SEC. 2. The Legislature shall provide for the removal of all causes which may be pending when this Constitution goes into effect to courts created by the same.

66 Cal. 109.

SEC. 3. In order that no inconvenience may result to the public service from the taking effect of this Constitution, no office shall be superseded thereby, nor the laws relative to the duties of the several officers be changed until the entering into office of the new officers to be appointed under this Constitution.

SEC. 4. The provisions of this Constitution concerning the term of residence necessary to enable persons to hold certain offices therein mentioned, shall not be held to apply to officers chosen by the people at the first election, or by the Legislature at its first session.

SEC. 5. Every citizen of California declared a legal voter by this Constitution, and every citizen of the United States a resident of this State on the day of election, shall be entitled to vote at the first general election under this Constitution, and on the question of the adoption thereof.

SEC. 6. This Constitution shall be submitted to the people for their ratification or rejection at the general election to be held on Tuesday, the thirteenth day of November, next. The Executive of the existing government of California is hereby requested to issue a proclamation to the people, directing the prefects of the several districts, or, in case of vacancy, the sub-prefects or senior judge of first instance, to cause such election to be held on the day aforesaid in their respective districts. The election shall be conducted in the manner which was prescribed for the election of delegates to this convention, except that the prefects, sub-prefects, or senior judge of first instance ordering such election in each district shall have power to designate any additional number of places for opening the polls, and that in every place of holding the election a regular poll list shall be kept by the judges and inspectors of election. It shall also be the duty of these judges and inspectors of election, on the day aforesaid, to receive the vote of the electors qualified to vote at such election. Each voter shall express his opinion by depositing in the ballot box a ticket whereon shall be written or printed "For the Constitution," or "Against the Constitu-

tion," or some such words as will distinctly convey the intention of the voter. These judges and inspectors shall also receive the votes for the several officers to be voted for at the said election, as herein provided. At the close of the election the judges and inspectors shall carefully count each ballot, and forthwith make duplicate returns thereof to the prefect, sub-prefect, or senior judge of first instance, as the case may be, of their respective districts; and said prefect, sub-prefect, or senior judge of first instance shall transmit one of the same, by the most safe and rapid conveyance, to the Secretary of State. Upon the receipt of said returns, or on the tenth day of December next, if the returns be not sooner received, it shall be the duty of a board of canvassers, to consist of the Secretary of State, one of the judges of the Superior Court, the prefect, judge of first instance, and an alcalde of the District of Monterey, or any three of the aforementioned officers, in the presence of all who shall choose to attend, to compare the votes given at said election, and to immediately publish an abstract of the same in one or more of the newspapers of California. And the Executive will also, immediately after ascertaining that the Constitution has been ratified by the people, make proclamation of the fact; and thenceforth this Constitution shall be ordained and established as the Constitution of California.

SEC. 7. If this Constitution shall be ratified by the people of California, the Executive of the existing government is hereby requested, immediately after the same shall be ascertained, in the manner herein directed, to cause a fair copy thereof to be forwarded to the President of the United States, in order that he may lay it before the Congress of the United States.

SEC. 8. At the general election aforesaid, viz., the thirteenth day of November next, there shall be elected a Governor, Lieutenant-Governor, members of the Legislature, and also two members of Congress.

SEC. 9. If this Constitution shall be ratified by the people of California, the Legislature shall assemble at the seat of government on the fifteenth day of December next; and in order to complete the organization of that body, the Senate shall elect a president *pro tempore* until the Lieutenant-Governor shall be installed into office.

SEC. 10. On the organization of the Legislature, it shall be the duty of the Secretary of State to lay before each house a copy of the abstract made by the board of canvassers, and,

if called for, the original returns of election, in order that each house may judge of the correctness of the report of said board of canvassers.

SEC. 11. The Legislature, at its first session, shall elect such officers as may be ordered by this Constitution to be elected by that body, and, within four days after its organization, proceed to elect two Senators to the Congress of the United States. But no law passed by this Legislature shall take effect until signed by the Governor after his installation into office.

SEC. 12. The Senators and Representatives of the Congress of the United States elected by the Legislature and people of California, as herein directed, shall be furnished with certified copies of this Constitution, when ratified, which they shall lay before the Congress of the United States, requesting, in the name of the people of California, the admission of the State of California into the American Union.

SEC. 13. All officers of this State, other than members of the Legislature, shall be installed into office on the fifteenth day of December next, or as soon thereafter as practicable.

SEC. 14. Until the Legislature shall divide the State into counties and senatorial and assembly districts, as directed by this Constitution, the following shall be the apportionment of the two houses of the Legislature, viz: The districts of San Diego and Los Angeles shall jointly elect two Senators; the districts of Santa Barbara and San Luis Obispo shall jointly elect one Senator; the district of Monterey, one Senator; the district of San Jose, one Senator; the district of San Francisco, two Senators; the district of Sonoma, one Senator; the district of Sacramento, four Senators; and the district of San Joaquin, four Senators. And the district of San Diego shall elect one member of the Assembly; the district of Los Angeles, two members of Assembly; the district of Santa Barbara, two members of Assembly; the district of San Luis Obispo, one member of Assembly; the district of Monterey, two members of Assembly; the district of San Jose, three members of Assembly; the district of San Francisco, five members of Assembly; the district of Sonoma, two members of Assembly; the district of Sacramento, nine members of Assembly; and the district of San Joaquin, nine members of Assembly.

SEC. 15. Until the Legislature shall otherwise direct, in accordance with the provisions of this Constitution, the salary of the Governor shall be ten thousand dollars per annum; and

the salary of the Lieutenant-Governor shall be double the pay of a State Senator; and the pay of members of the Legislature shall be sixteen dollars per diem while in attendance, and sixteen dollars for every twenty miles traveled by the usual route from their residences to the place of holding the session of the Legislature, and in returning therefrom. And the Legislature shall fix the salaries of all officers other than those elected by the people at the first election.

SEC. 16. The limitation of the powers of the Legislature contained in Article VIII of this Constitution shall not extend to the first Legislature elected under the same, which is hereby authorized to negotiate for such amount as may be necessary to pay the expenses of the State government.

R. SEMPLE, President.

WM. G. MARCY, Secretary.

Summary of Amendments Adopted by the Legislature and Submitted to the Voters of California, with Statement of Vote for and Against Each Amendment, 1883-1914.

Article IX, Section 7.
(Statutes of 1883, page 365)

Election November 4, 1884. Adopted. Yes, 143,017; No, 11,930.

Article XI, Section 19.
(Statutes of 1883, page 2)

Election November 4, 1884. Adopted. Yes, 149,285; No, 7,363.

Article XIII, Section 9.
(Statutes of 1884–85, extra session, page 12)

Election November 4, 1884. Adopted. Yes, 128,371; No, 27,934.

Article XIII, Sections 1, 8, 10 and 11.
(Statutes of 1885, page 27)

Proposing amendments requiring all properties (except railroads) not exempt to be taxed; excepting growing crops, school, and other public property, and specifying how vines and trees shall be assessed; relating to taxation of ships; to solvent credits, and requiring statements to county assessors by taxpayers.

Election November 2, 1886. Rejected. Yes, 9,992; No, 123,173.

Article XI, Section 8.
(Statutes of 1887, page 88)

Election April 12, 1887. Adopted. Yes, 37,791; No, 34,156.

Article VI, Sections 2 and 3.
(Statutes of 1887, page 96)

Proposing an amendment specifying number of Supreme Court judges, and relating to vacancy in office of Chief Justice, terms of office, etc.

Election April 12, 1887. Rejected. Yes, 29,349; No, 41,367.

Article VI, Sections 2 and 3.
(Statutes of 1887, page 242)

Proposing an amendment relative to judiciary, specifying number of justices of Supreme Court, terms of office, and manner of election of Supreme Justice.

Election April 12, 1887. Rejected. Yes, 27,659; No, 43,005.

Article XI, Section 8.
(Statutes of 1889, page 340)

Election November 4, 1890. Adopted. Yes, 96,342; No, 3,275.

Article IV, Section 2.
(Statutes of 1891, page 3)

Proposing an amendment relating to sessions of the Legislature, compensation of members and legislative procedure.

Election November 8, 1892. Rejected. Yes, 36,442; No, 153,831.

Article V, Sections 15 and 19.
(Statutes of 1891, page 528)

Proposing an amendment relating to election of Lieutenant Governor; duties; vacancy in office of; providing for salary of Governor, Lieutenant Governor, Secretary of State, Controller, Treasurer, Attorney General, Surveyor General, etc.

Election November 8, 1892. Rejected. Yes, 43,456; No, 128,743.

Article XI, Section 8.
(Statutes of 1891, page 533)

Election November 8, 1892. Adopted. Yes, 114,617; No, 42,076.

Article IV, Section 34.
(Statutes of 1891, page 531)

Proposing an amendment requiring that no bill (except general appropriation and deficiency bills) shall contain more than one appropriation, and for a single purpose; also as to deficiency bill; action on same by the Governor; incurring of deficiency by State officers, etc.

Election November 8, 1892. Rejected. Yes, 69,286; No, 87,708.

Article XI, Section 18.
(Statutes of 1891, page 523)

Election November 8, 1892. Adopted. Yes, 108,942; No, 59,548.

Article XIII, Section 12¾.
(Statutes of 1893, page 623)

Election November 6, 1894. Adopted. Yes, 147,002; No, 48,153.

Article II, Section 1.
(Statutes of 1893, page 543)

Election November 6, 1894. Adopted. Yes, 170,113; No, 32,281.

Article I, Section 17.
(Statutes of 1893, page 624)

Election November 6, 1894. Adopted. Yes, 119,309; No, 56,805.

Article IX, Section 7.
(Statutes of 1893, page 659)

Election November 6, 1894. Adopted. Yes, 98,676; No, 77,295.

Article XIII, Section 9.
(Statutes of 1893, page 627)

Proposing an amendment relative to the election of a State board of equalization; to county boards of equalization; to duties of each such board, and the election of members to each.

Election November 6, 1894. Rejected. Yes, 86,777; No, 88,605.

Article XI, Section 3.
(Statutes of 1893, page 617)

Election November 6, 1894. Adopted. Yes, 140,713; No, 44,824.

Article XIII, Section 1.
(Statutes of 1893, page 658)

Election November 6, 1894. Adopted. Yes, 135,741; No, 46,338.

Article XI, Section 7.
(Statutes of 1893, page 625)

Election November 6, 1894. Adopted. Yes, 106,768; No, 62,425.

Article IV, Section 23.
(Statutes of 1893, page 660)

Proposing an amendment relative to compensation, mileage and contingent expenses members of Legislature.

Election November 6, 1894. Rejected. Yes, 45,675; No, 146,680.

Article XX, Section 1.
(Statutes of 1893, page 657)

Proposing an amendment relative to changing the seat of government from City of Sacramento to City of San Jose. Declared unconstitutional by Supreme Court March 29, 1894. Not submitted.

Article II, Section 5.
(Statutes of 1895, page 407)

Election November 3, 1896. Adopted. Yes, 121,773; No, 78,886.

Article XI, Section 8½.
(Statutes of 1895, page 450)

Election November 3, 1896. Adopted. Yes, 99,888; No, 74,906.

Article XI, Section 6.
(Statutes of 1895, Section 450)

Election November 3, 1896. Adopted. Yes, 101,587; No, 74,353.

Article II, Section 1.
(Statutes of 1895, page 453)

Proposing an amendment relative to rights of suffrage—permitting women to vote.

Election November 3, 1896. Rejected. Yes, 110,355; No, 137,099.

Article XII, Section 3.
(Statutes of 1895, page 446)

Proposing an amendment relative to corporations, and limiting the liability of stock or shareholders, and fixing the liability of directors or trustees.

Election November 3, 1896. Rejected. Yes, 82,609; No, 109,433.

Article XIII.
(Statutes of 1895, page 405)

Proposing an amendment to repeal sections 4 and 5, and to amend section 1 thereof; providing that all property, not exempt, shall be taxed in proportion to its value; defining the word "property"; exempting property of free public libraries, and museums, growing crops, mortgages, trust deeds, school property, and property of the United States, and State, counties, and municipalities.

Election November 3, 1896. Rejected. Yes, 63,620; No, 158,093.

Article IV, Section 2.
(Statutes of 1897, page 649)

Proposing an amendment relating to sessions of the Legislature, length of same, recess, compensation, etc.

Election November 8, 1898. Rejected. Yes, 63,195; No, 81,269.

Article V, Sections 15 and 16.
(Statutes of 1897, page 646)

Election November 8, 1898. Adopted. Yes, 79,748; No, 66,260.

Article II, Section 5½.
(Statutes of 1897, page 645)

Proposing an amendment relating to consolidated city and county governments, and exempting same from the provisions of sections 4 and 5 of article XI.

Election November 8, 1898. Rejected. Yes, 61,843; No, 76,128.

Article IX, Section 6.
(Statutes of 1897, page 647)

Proposing an amendment relating to the public school system, specifying what it includes, and also what grammar schools shall include.

Election November 8, 1898. Rejected. Yes, 56,726; No, 85,712.

Constitutional Convention.
(Statutes of 1897, page 650)

Proposition for calling of convention to revise Constitution.

Election November 8, 1898. Rejected. Yes, 42,556; No, 65,057.

Article XI, Section 7½.
(Statutes of 1897, page 641)

Proposing an amendment providing for the framing by the inhabitants of counties of local county government acts.

Election November 8, 1898. Rejected. Yes, 74,816; No, 75,037.

Article XI, Section 18.
(Statutes of 1897, page 640)

Proposing an amendment relative to revenue and taxation—providing that indebtedness of municipalities must not exceed income unless provision be made for payment of interest and for a sinking fund. City of San Francisco and City of Vallejo permitted to pay certain claims.

Election November 8, 1898. Rejected. Yes, 54,013; No, 90,602.

Article VI, Section 5½.
(Statutes of 1897, page 643)

Proposing an amendment providing for organization of a court of claims.

Election November 8, 1898. Rejected. Yes, 69,232; No, 75,695.

Article XIII, Section 1½.
(Statutes of 1899, page 447)

Election November 6, 1900. Adopted. Yes, 115,851; No, 102,564.

Article IX.
(Statutes of 1899, page 499)

Election November 6, 1900. Adopted. Yes, 111,892; No, 70,264.

Article IX, Section 10.
(Statutes of 1899, page 493)

Election November 6, 1900. Adopted. Yes, 137,607; No, 67,737.

Article II, Section 2½.
(Statutes of 1899, page 501)

Election November 6, 1900. Adopted. Yes, 106,733; No, 51,519.

Article VI.
(Statutes of 1899, page 502)

Proposing an amendment relative to the compensation of supreme and superior court judges.

Election November 6, 1900. Rejected. Yes, 60,754; No, 85,472.

Article XIII, Section 1¾.
(Statutes of 1899, page 500)

Proposing an amendment relating to exemption from taxation of all bonds issued by the State, or by any county, city, city and county, town, municipality, municipal corporation of any sort, or district (including school, reclamation and irrigation districts) within said State.

Election November 6, 1900. Rejected. Yes, 75,280; No, 92,923.

Article II, Section 18.
(Assembly Journal 1899, page 1731)

Election November 6, 1900. Adopted. Yes, 85,461; No, 62,993.

Article VI, Sections 1, 2, 3, 4, 10, 12, 14, 16, 17, 18, 21, 23 and 24.
(Statutes of 1899, page 503)

Proposing an amendment relating to judiciary, and establishing a court of appeals.

Election November 6, 1900. Rejected. Yes, 69,997; No, 79,354.

Article XIII, Section 1¾.
(Statutes of 1901, page 950)

Election November 4, 1902. Adopted. Yes, 74,526; No, 66,132.

Article IX, Section 6.
(Statutes of 1901, page 948)

Election November 4, 1902. Adopted. Yes, 89,947; No, 60,861.

Article XI, Section 8.
(Statutes of 1901, page 950)

Election November 4, 1902. Adopted. Yes, 70,748; No, 53,182.

Article I, Section 8.
(Statutes of 1901, page 967)

Proposing an amendment providing that offenses shall be prosecuted by information, after examination and commitment by magistrate.

Election November 4, 1902. Rejected. Yes, 56,222; No, 72,153.

Article II, Section 6.
(Statutes of 1901, page 960)

Election November 4, 1902. Adopted. Yes, 83,966; No, 43,127.

Article IV, Section 25½.
(Statutes of 1901, page 948)

Election November 4, 1902. Adopted. Yes, 88,622; No, 54,930.

Article IV, Section 36.
(Statutes of 1901, page 960)

Election November 4, 1902. Adopted. Yes, 78,479; No, 59,632.

Article XX, Section 17.
(Statutes of 1901, page 959)

Election November 4, 1902. Adopted. Yes, 114,972; No, 33,752.

Article XX, Sections 21, 22.
(Statutes of 1901, page 962)

Proposing an amendment providing for a State commission to have charge in certain respects, of railroads, transportation companies, common carriers, banks, insurance companies, water, gas and electric light and power; telephone companies; telegraph companies, sleeping-car companies, and express companies, and of certain services and commodities; howsoever supplied to the public, and legislation concerning the same; and repealing certain present constitutional provisions relative to the same subject.

Election November 4, 1902. Rejected. Yes, 31,474; No, 118,791.

Article VI, Sections 1, 4, 10, 12, 16, 17, 18, 21, 23 and 24.
(Statutes of 1903, page 737)

Election November 8, 1904. Adopted. Yes, 93,306; No, 36,277.

Article IX, Section 12.
(Statutes of 1903, page 598)

Election November 8, 1904. Adopted. Yes, 73,207; No, 62,275.

Article XIII, Section 1¾.
(Statutes of 1903, page 734)

Proposing an amendment relative to exemption of shipping from taxation.

Election November 8, 1904. Rejected. Yes, 48,983; No, 81,857.

Article IV, Sections 2, 23.
Article V, Section 4.
(Statutes of 1903, page 736)

Proposing an amendment to sections 2 and 23 of article IV, relative to length of legislative session, compensation of members, limiting the number of employees of Senate and Assembly; and by amending section 4 of article V, relating to declaring elections of Governor.

Election November 8, 1904. Rejected. Yes, 62,792; No, 63,983.

Article XIII, Section 10½.
(Statutes of 1903, page 682)

Election November 8, 1904. Adopted. Yes, 74,437; No, 45,221.

Article IV, Section 24½.
(Statutes of 1903, page 742)

Proposing an amendment relating to power of Legislature to amend existing codes.

Election November 8, 1904. Rejected. Yes, 59,050; No, 59,933.

Article VI, Section 17.
(Statutes of 1905, page 1069)

Election November 6, 1906. Adopted. Yes, 50,957; No, 49,905.

Article V, Section 19.
(Statutes of 1905, page 1073)

Proposing an amendment relating to and fixing compensation of State officers.

Election November 6, 1906. Rejected. Yes, 31,063; No, 71,435.

Article XI, Section 13½.
(Statutes of 1905, page 1067)

Election November 6, 1906. Adopted. Yes, 69,305; No, 32,384.

Article XI, Section 8.
(Statutes of 1905, page 1064)

Election November 6, 1906. Adopted. Yes, 49,327; No. 48,391.

Article XX, Section 16.
(Statutes of 1905, page 1063)

Election November 6, 1906. Adopted. Yes, 53,307; No, 43,200.

Article IX, Section 13.
(Statutes of 1905, page 1072)

Election November 6, 1906. Adopted. Yes, 65,250; No, 43,327.

Article V, Sections 15, 19.
(Statutes of 1905, page 1070)

Proposing an amendment relative to duties and salary of Lieutenant-Governor.

Election November 6, 1906. Rejected. Yes, 31,556; No, 64,944.

Article XII, Section 7.
(Statutes of 1905, page 1071)

Proposing an amendment relative to extension of franchise of charter of corporations.

Election November 6, 1906. Rejected. Yes, 37,098; No, 65,982.

Article XI, Section 16½.
(Statutes of 1905, page 1062)

Election November 6, 1906. Adopted. Yes, 62,767; No, 35,213.

Article IV, Sections 2, 23.
(Statutes of 1905, page 1075)

Proposing an amendment relating to length of legislative session, compensation of members, and limiting expense of employees of Senate and Assembly.

Election November 6, 1906. Rejected. Yes, 37,360; No, 57,785.

Article XI, Section 20.
(Statutes of 1906, extra session, page 91)

Proposing an amendment conferring for a period of two years certain powers and rights on the city and county of San Francisco, relative to streets, parks, boulevards, residences and lands now owned or hereafter acquired by it, and the use thereof.

Election November 6, 1906. Rejected. Yes, 35,649; No, 58,042.

Article XI, Section 8.
(Statutes of 1906, extra session, page 88)

Proposing an amendment relating to amendment during the period of two years of charters of the city and county of San Francisco and city of San Jose, without ratification by the Legislature.

Election November 6, 1906. Rejected. Yes, 31,867; No, 58,254.

Article XIII, Section 5.
(Statutes of 1906, extra session, page 90)

Election November 6, 1906. Adopted. Yes, 54,894; No, 39,876.

Article XI, Section 18.
(Statutes of 1906, extra session, page 91)

Election November 6, 1906. Adopted. Yes, 48,221; No, 46,329.

Article XIII, Sections 1, 9, 10, 11, 14, 15.
Article XI, Section 10.
(Statutes of 1907, page 1353)

Proposing an amendment to sections 1, 9, 10 and 11 of article XIII, and adding two new sections thereto, numbered 14 and 15, and repealing section 10 of article XI, all relating to revenue and taxation.

Election November 3, 1908. Rejected. Yes, 87,977; No, 114,104.

Article IV, Sections 2, 23.
(Statutes of 1907, page 1362)

Election November 3, 1908. Adopted. Yes, 116,600; No, 68,902.

Article V, Section 19.
(Statutes of 1907, page 1364)
Election November 3, 1908. Adopted. Yes, 92,558; No, 92,556.

Article XIII, Section 4.
(Statutes of 1907, page 1159)
Proposing an amendment relative to assessment of a mortgage, deed of trust, contract or other obligation by which a debt is secured, and to taxes due upon such assessment.
Election November 3, 1908. Rejected. Yes, 90,061; No, 90,896.

Article XVI, Section 1.
(Statutes of 1907, page 1366)
Election November 3, 1908. Adopted. Yes, 97,237; No, 63,465.

Article XII, Section 7.
(Statutes of 1907, page 1240)
Election November 3, 1908. Adopted. Yes, 115,412; No, 81,849.

Article IV, Section 23a.
(Statutes of 1907, page 1358)
Election November 3, 1908. Adopted. Yes, 135,113; No, 48,144.

Article XII, Section 3.
(Statutes of 1907, page 1365)
Election November 3, 1908. Adopted. Yes, 103,025; No, 70,575.

Article IV, Section 26.
(Statutes of 1907, page 1360)
Election November 3, 1908. Adopted. Yes, 96,235; No, 84,778.

Article II, Section 2½.
(Statutes of 1907, page 1271)
Election November 3, 1908. Adopted. Yes, 152,853; No, 46,772.

Article XI, Section 5.
(Statutes of 1907, page 1276)
Election November 3, 1908. Adopted. Yes, 107,244; No, 69,478.

Article IX, Section 6.
(Statutes of 1907, page 1275)
Election November 3, 1908. Adopted. Yes, 97,763; No. 87,584.

Article IX, Section 7.
(Statutes of 1907, page 1369)

Proposing an amendment relating to board of education, uniform textbooks, etc.

Election November 3, 1908. Rejected. Yes, 67,497; No, 107,613.

Article IV, Section 16.
(Statutes of 1907, page 1370)

Election November 3, 1908. Adopted. Yes, 122,362; No, 50,979.

Article XIII, Sections 10, 14.
Article XI, Section 10.
(Statutes of 1909, page 1332)

Election November 8, 1910. Adopted. Yes, 118,927; No, 96,493.

Article XIII, Sections 1, 4.
(Statutes of 1909, page 1318)

Election November 8, 1910. Adopted. Yes, 118,927; No, 79,435.

Article VI, Section 8.
(Statutes of 1909, page 1337)

Election November 8, 1910. Adopted. Yes, 121,997; No, 44,138.

Article XI, Section 3.
(Statutes of 1909, page 1342)

Election November 8, 1910. Adopted, Yes, 96,607; No, 70,808.

Article XII, Section 5.
(Statutes of 1909, page 1319)

Election November 8, 1910. Adopted. Yes, 118,970; No, 48,583.

Article IV, Section 22.
(Statutes of 1910, extra session, page 3)

Election November 8, 1910. Adopted. Yes, 174,513; No, 50,857.

Article I, Section 25.
(Statutes of 1909, page 1343)

Election November 8, 1910. Adopted. Yes, 167,869; No, 27,577.

Article XI, Section 8a.
(Statutes of 1910, extra session, page 1)

Election November 8, 1910. Adopted. Yes, 180,043; No, 34,723.

Article XI, Section 14.
(Statutes of 1911, page 1798)

Election October 10, 1911. Adopted. Yes, 165,881; No, 53,360.

Article XI, Section 7½.
(Statutes of 1911, page 2168)

Election October 10, 1911. Adopted. Yes, 130,828; No, 76,177.

Article IV, Section 2.
(Statutes of 1911, page 2167)

Election October 10, 1911. Adopted. Yes, 127,794; No, 79,348.

Article II, Section 1.
(Statutes of 1911, page 1548)

Election October 10, 1911. Adopted. Yes, 125,037; No, 121,450.

Article 1, Section 14.
(Statutes of 1911, page 1488)

Election October 10, 1911. Adopted. Yes, 141,436; No, 58,105.

Article II, Section 8.
(Statutes of 1911, page 2175)

Election October 10, 1911. Adopted. Yes, 120,904; No, 77,409.

Article IV, Section 1.
(Statutes of 1911, page 1655)

Election October 10, 1911. Adopted. Yes, 168,744; No, 52,093.

Article XXIII.
(Statutes of 1911, page 2032)

Election October 10, 1911. Adopted. Yes, 178,115; No, 53,755.

Article VI, Section 4½.
(Statutes of 1911, page 1798)

Election October 10, 1911. Adopted. Yes, 158,549; No, 53,988.

Article XX, Section 21.
(Statutes of 1911, page 2179)

Election October 10, 1911. Adopted. Yes, 147,567; No, 65,255.

Article XX, Section 16.
(Statutes of 1911, page 2167)

Election October 10, 1911. Adopted. Yes, 133,747; No, 60,131.

Article XII, Section 23.
(Statutes of 1911, page 2164)

Election October 10, 1911. Adopted. Yes, 140,146; No, 72,283.

Article XI, Section 8½.
(Statutes of 1911, page 2166)

Election October 10, 1911. Adopted. Yes, 132,634; No, 64,790.

Article XI, Section 19.
(Statutes of 1911, page 2180)

Election October 10, 1911. Adopted. Yes, 133,411; No, 64,221.

Article IX, Section 7.
(Statutes of 1911, page 2180)

Election October 10, 1911. Adopted. Yes, 168,010; No, 43,943.

Article XII, Section 22.
(Statutes of 1911, page 2048)

Election October 10, 1911. Adopted. Yes, 133,746; No, 76,240.

Article XX, Section 13.
(Statutes of 1911, page 2046)

Election October 10, 1911. Adopted. Yes, 137,156; No, 59,042.

Article VI, Sections 1, 5, 11, 15.
(Statutes of 1911, page 2161)

Election October 10, 1911. Adopted. Yes, 104,105; No, 98,293.

Article XII, Section 19.
(Statutes of 1911, page 2181)

Proposing an amendment relating to issuing of passes to public officials.

Election October 10, 1911. Rejected. Yes, 100,014; No, 106,146.

Article VI, Sections 14, 21.
(Statutes of 1911, page 2162)

Election October 10, 1911. Adopted. Yes, 122,751; No, 79,284.

Article IV, Section 18.
(Statutes of 1911, page 2182)

Election October 10, 1911. Adopted. Yes, 157,596; No, 49,345.

Article XIII, Section 1¼.
(Statutes of 1911, page 2163)

Election October 10, 1911. Adopted. Yes, 106,554; No, 96,891.

Article XII, Sections 20, 21.
(Statutes of 1911, page 2047)

Election October 10, 1911. Adopted. Yes, 144,205; No, 63,380.

Article IX, Section 7.
(Statutes of 1911, extra session, page 413)

Election November 5, 1912. Adopted. Yes, 343,443; No, 171,486.

Article XI, Section 16½.
(Statutes of 1911, extra session, page 252)

Election November 5, 1912. Adopted. Yes, 307,199; No, 128,411.

Article XI, Section 7.

Initiative measure proposing an amendment relating to the formation of consolidated city and county governments, etc.

Election November 5, 1912. Rejected. Yes, 174,076; No, 280,465.

Article XIII, Section 8½.

Initiative measure proposing an amendment relating to taxation by counties, cities and counties, cities, towns, districts and townships, etc.

Election November 5, 1912. Rejected. Yes, 169,321; No, 243,959.

Constitutional Convention.
(Statutes of 1913, page 1714)

Proposition for calling of convention to revise Constitution.

Election November 3, 1914. Rejected. Yes, 180,111; No, 442,687.

Article I, Sections 26, 27.

Initiative measure proposing two new sections prohibiting the manufacture, sale, gift, or transportation wholly within the State, of intoxicating liquor; permitting any citizen to enjoin violations, making the showing that the manufacture, use, sale, gift or transportation was for medicinal, scientific, mechanical or sacramental purposes, a defense to civil and criminal actions and requiring regulation by law of such acts for said purposes; prohibiting transportation into this State of intoxicating liquor, unless shown to be for such purposes.

Election November 3, 1914. Rejected. Yes, 355,536; No, 524,781.

Article I, Section 26a.

Initiative measure to suspend prohibition amendment if latter should be adopted.

Election November 3, 1914. Adopted. Yes, 448,648; No, 226,688.

Article II, Section 7.

Initiative measure proposing an amendment providing that no elector may vote on question of incurring bonded indebtedness of State or political subdivision thereof, unless he is owner of property taxable for payment of such indebtedness and assessed to him on last assessment roll.

Election November 3, 1914. Rejected. Yes, 312,193; No, 337,951.

Article IV, Section 1½.

Initiative measure proposing an amendment prohibiting for eight years after this election, State election on question of prohibiting or permitting transportation of intoxicating liquors and any election on question of prohibiting or permitting the manufacture or sale thereof; prohibiting State election or election under local option law or charter upon latter question within eight years of like election thereon; declaring majority vote in each municipality or district at this election upon prohibition amendment to article I of Constitution, and at any statewide prohibition election hereafter, makes same license or non-license territory.

Election November 3, 1914. Rejected. Yes, 355,394; No, 435,701.

Article IV, Section 23a.
(Statutes of 1913, page 1729)

Proposing an amendment increasing the amount allowed for the total expense for officers, employees and attachés of assembly at any regular or biennial session of legislature from present amount of five hundred dollars per day to six hundred dollars per day; making no other change in operation of present section.

Election November 3, 1914. Rejected. Yes, 87,315; No, 494,272.

Article IV, Section 31.
(Statutes of 1913, page 1743)

Election November 3, 1914. Adopted. Yes, 349,684; No, 185,168.

Article V, Section 20.
(Statutes of 1913, page 1746)

Election November 3, 1914. Adopted. Yes, 404,283; No, 190,969.

Article VI, Section 4a.
(Statutes of 1913, page 1679)

Proposing an amendment authorizing Governor to call extra sessions of district courts of appeal; requiring such call when requested by Chief Justice of Supreme Court or presiding Justice of District Court of Appeal; providing that Governor, Chief Justice and Presiding Justice shall each select one of the three judges of such sessions from judges of any district court of appeal or superior court who shall serve without further compensation; providing for assignment of causes thereto, jurisdiction thereof, and termination of such sessions.

Election November 3, 1914. Rejected. Yes, 203,674; No, 322,891.

Article VI, Section 4½.
(Statutes of 1913, page 1681)

Election November 3, 1914. Adopted. Yes, 378,237; No, 182,073.

Article XI, Section 6.
(Statutes of 1913, page 1742)

Election November 3, 1914. Adopted. Yes, 284,757; No, 214,312.

Article XI, Section 7½.
(Statutes of 1913, page 1733)

Election November 3, 1914. Adopted. Yes, 261,219; No, 225,530.

Article XI, Section 8.
(Statutes of 1913, page 1730)

Election November 3, 1914. Adopted. Yes, 285,338; No, 226,679.

Article XI, Section 8½.

Initiative measure proposing amendment authorizing chartered cities to establish municipal courts and control appointments, qualifications and tenure of municipal officers and employes; authorizing cities exceeding 175,000 population to consolidate under charter and to annex any contiguous territory, but only upon consent of such territory and of county from which such territory is taken; prescribes procedure for consolidation and annexation.

Election November 3, 1914. Rejected. Yes, 248,112; No, 318,224.

Article XI, Section 8½.

Election November 3, 1914. Adopted. Yes, 293,019; No, 287,185.

Article XI, Section 13.

(Statutes of 1913, page 1733)

Election November 3, 1914. Adopted. Yes, 335,047; No, 216,865.

Article XI, Section 13½.

(Statutes of 1913, page 1684)

Election November 3, 1914. Adopted. Yes, 306,195; No, 206,479.

Article XI, Section 16½.

Initiative measure proposing an amendment authorizing banks in which public moneys are deposited to furnish, as security, bonds of districts within municipalities, or of a corporation qualified to act as sole surety on bonds or undertakings, to an amount in value, or with a penalty, of at least ten per cent over amount of deposit; provides that no deposit under section shall exceed at any time fifty per cent of paid up capital and surplus of depository bank.

Election November 3, 1914. Rejected. Yes, 236,573; No, 324,558.

Article XI, Section 18.

(Statutes of 1913, page 1706)

Election November 3, 1914. Adopted. Yes, 390,835; No, 202,128.

Article XI, Section 19.

(Statutes of 1913, page 1707)

Proposing an amendment authorizing any municipal corporation to acquire and operate public utilities; to grant franchises to operate same under regulations prescribed by its organic law or otherwise by law; but eliminating from present section provisions authorizing municipal government to regulate charges for services, under such franchises; and authorizing municipal corporation to furnish the product or service of public utility operated by it to users beyond its limits, to other municipalities, and to inhabitants thereof without consent of such municipalities.

Election November 3, 1914. Rejected. Yes, 231,724; No, 278,129.

Article XI, Section 20.
(Statutes of 1913, page 1704)

Proposing an amendment authorizing State, county or municipality to condemn neighboring property within its limits additional to that actually intended for proposed improvement; declaring same taken for public use; defining estate therein and manner of dealing therewith to further such improvement; permitting county or municipality to condemn lands within ten miles beyond its boundaries for certain public purposes, with consent of other county or municipality if such lands lie therein; requiring terms of condemnation, lease or disposal of such additional property to be prescribed by law.

Election November 3, 1914. Rejected. Yes, 259,192; No, 307,155.

Article XII, Section 23.
(Statutes of 1913, page 1740)

Election November 3, 1914. Adopted. Yes, 291,635; No, 260,589.

Article XII, Section 23a.
(Statutes of 1913, page 1744)

Election November 3, 1914. Adopted. Yes, 291,836; No, 244,379.

Article XIII, Section 1.
(Statutes of 1913, page 1727)

Election November 3, 1914. Adopted. Yes, 344,433; No, 216,612.

Article XIII, Section 1a.
(Statutes of 1913, page 1684)

Election November 3, 1914. Adopted. Yes, 331,599; No, 293,721.

Article XIII, Section 4.
(Statutes of 1913, page 1689)

Election November 3, 1914. Adopted. Yes, 359,176; No, 301,969.

Article XIII, Section 8½.
(Statutes of 1913, page 1728)

Proposing amendment authorizing any county or municipality to exempt from taxation for local purposes in whole or in part, any one or more of following classes of property; improvements in, on, or over land; shipping; household furniture; livestock; merchandise; machinery; tools; farming implements; vehicles;

other personal property except franchises; providing that ordinance or resolution making such exemptions shall be subject to referendum; and requires that taxes upon property not exempt from taxation shall be uniform.

Election November 3, 1914. Rejected. Yes, 267,618; No, 375,634.

Article XIII, Section 12.
(Initiative measure)

Election November 3, 1914. Adopted. Yes, 405,375; No, 374,487.

Article XVIII, Section 2.
(Statutes of 1913, page 1744)

Proposing an amendment providing that delegates to constitutional conventions shall be nominated at non-partisan primary election as prescribed by Legislature, those receiving majority vote thereat being elected, otherwise two highest candidates (or more if tied) being only candidates at further election; authorizing Legislature to submit for adoption by electors other plans for selecting delegates; providing that convention shall meet within nine months after election, and may submit new constitution or amendments or revisions of that existing, as alternative propositions or otherwise.

Election November 3, 1914. Rejected. Yes, 271,896; No, 274,325.

Article XX, Section 13.
(Statutes of 1913, page 1729)

Proposing an amendment declaring plurality of votes at any primary or election constitutes choice unless Constitution otherwise provides; permitting charters framed under Constitution for counties or municipalities and general laws for other counties and municipalities to provide otherwise, or for nomination or election, or both, of all or any portion of candidates at a primary, or for preferential system of voting at any county or municipal primary or other election; authorizing general laws providing preferential system of voting at any other primary.

Election November 3, 1914. Rejected. Yes, 240,600; No, 294,265.

Article XX, Section 17½.
(Statutes of 1913, page 1746)

Election November 3, 1914. Adopted. Yes, 379,311; No, 295,109.

MAGNA CHARTA.

[June 15, A. D. 1215]

From "Select Charters and other Illustrations of English Constitutional History," by William M. Stubbs, M.A., Regius Professor of Modern History.

Johannes Dei gratia rex Angliae, dominus Hyberniae, dux Normanniae et Aquitanniae, comes Andegaviae, archiepiscopis, episcopis, abbatibus, comitibus, baronibus, justiciariis, forestariis, vicecomitibus, praepositis, ministris et omnibus ballivis et fidelibus suis salutem. Sciatis nos intuitu Dei et pro salute animae nostrae et omnium antecessorum et haeredum nostrorum, ad honorem Dei et exaltationem sanctae ecclesiae, et emendationem regni nostri, per consilium venerabilium patrum nostrorum, Stephani Cantuariensis archiepiscopi totius Angliae primatis et sanctae Romanae ecclesiae cardinalis, Henrici Dublinensis archiepiscopi, Willelmi Londoniensis, Petri Wintoniensis, Joscelini Bathoniensis et Glastoniensis, Hugonis Lincolniensis, Walteri Wygornensis, Willelmi Coventrensis, et Benedicti Roffensis episcoporum; magistri Pandulfi domini papae subdiaconi et familiaris, fratris Eymerici magistri militiae templi in Anglia; et nobilium virorum Willelmi Mariscalli comitis Penbrok, Willelmi comitis Saresberiae, Willelmi comitis Warenniae, Willelmi comitis Arundelliae, Alani de Galweya constabularii Scottiae, Warini filii Geroldi, Petri filii Hereberti, Huberti de Burgo senescalli Pictaviae, Hugonis de Nevilla, Mathei filii Hereberti, Thomae Basset, Alani Basset, Philippi de Albiniaco, Roberti de Roppelay, Johannis Mariscalli, Johannis filii Hugonis et aliorum fidelium nostrorum;

1. In primis concessisse Deo et hac praesenti carta nostra confirmasse, pro nobis et haeredibus nostris in perpetuum, quod Anglicana ecclesia libera sit, et habeat jura sua integra, et libertates suas illaesas; et ita volumus observari; quod apparet ex eo quod libertatem electionum, quae maxima et magis necessaria reputatur ecclesiae Anglicanae, mera et spontanea voluntate, ante

MAGNA CHARTA.

The Great Charter of English Liberty, Granted by King John at Runnymede, June 15, A. D. 1215.

From "Select Historical Documents of the Middle Ages," as translated from "Stubbs's Charters" by Ernest F. Henderson, A.B. (Trinity College, Conn.), A.M. (Harvard), Ph.D. (Berlin).

John, by the grace of God king of England, lord of Ireland, duke of Normandy and Aquitaine, count of Anjou: to the archbishops, bishops, abbots, earls, barons, justices, foresters, sheriffs, prevosts, serving men, and to all his bailiffs and faithful subjects, greeting. Know that we, by the will of God and for the safety of our soul, and of the souls of all our predecessors and our heirs, to the honour of God and for the exalting of the holy church and the bettering of our realm: by the counsel of our venerable fathers Stephen archbishop of Canterbury, primate of all England and cardinal of the holy Roman church; of Henry archbishop of Dublin; of the bishops William of London, Peter of Winchester. Jocelin of Bath and Glastonbury, Hugo of Lincoln, Walter of Worcester, William of Coventry and Benedict of Rochester; of master Pandulf, subdeacon and of the household of the lord pope; of brother Aymeric, master of the knights of the Temple in England: and of the noble men, William Marshall earl of Pembroke, William earl of Salisbury, William earl of Warren, William earl of Arundel, Alan de Galway constable of Scotland, Warin son of Gerold, Peter son of Herbert, Hubert de Burgh seneschal of Poictiers, Hugo de Neville, Matthew son of Herbert, Thomas Basset, Alan Basset, Philip d'Aubigni, Robert de Roppelay, John Marshall, John son of Hugo, and others of our faithful subjects:

1. First of all have granted to God, and, for us and for our heirs forever, have confirmed, by this our present charter, that the English church shall be free and shall have its rights intact and its liberties uninfringed upon. And thus we will that it be observed. As is apparent from the fact that we, spontaneously and of our own free will, before discord broke out between our-

discordiam inter nos et barones nostros mctam, concessimus et carta nostra confirmavimus, et eam optinuimus a domino papa Innocentio tertio confirmari; quam et nos observabimus et ab haeredibus nostris in perpetuum bona fide volumus observari. Concessimus etiam omnibus liberis hominibus regni nostri, pro nobis et haeredibus nostris in perpetuum, omnes libertates subscriptas, habendas et tenendas, eis et haeredibus suis, de nobis et haeredibus nostris;

2. Si quis comitum vel baronum nostrorum, sive aliorum tenentium de nobis in capite per servitium militare, mortuus fuerit, et cum decesserit haeres suus plenae aetatis fuerit et relevium debeat, habeat haereditatem suam per antiquum relevium; scilicet haeres vel haeredes comitis de baronia comitis integra per centum libras; haeres vel haeredes baronis de baronia integra per centum libras; haeres vel haeredes militis de feodo militis integro per centum solidos ad plus; et qui minus debuerit minus det secundum antiquam consuetudinem feodorum.

3. Si autem haeres alicujus talium fuerit infra aetatem et fuerit in custodia, cum ad aetatem pervenerit, habeat haereditatem suam sine relevio et sine fine.

4. Custos terrae hujusmodi haeredis qui infra aetatem fuerit, non capiat de terra haeredis nisi rationabiles exitus, et rationabiles consuetudines, et rationabilia servitia, et hoc sine destructione et vasto hominum vel rerum; et si nos commiserimus custodiam alicujus talis terrae vicecomiti vel alicui alii qui de exitibus illius nobis respondere debeat, et ille destructionem de custodia fecerit vel vastum, nos ab illo capiemus emendam, et terra committatur duobus legalibus et discretis hominibus de feodo illo, qui de exitibus respondeant nobis vel ei cui eos assignaverimus; et si dederimus vel vendiderimus alicui custodiam alicujus talis terrae, et ille destructionem inde fecerit vel vastum, amittat ipsam custodiam, et tradatur duobus legalibus et discretis hominibus de feodo illo qui similiter nobis respondeant sicut praedictum est.

5. Custos autem, quamdiu custodiam terrae habuerit, sustentet domos, parcos, vivaria, stagna, molendina, et cetera ad terram illam pertinentia, de exitibus terrae ejusdem; et reddat haeredi, cum ad plenam aetatem pervenerit, terram suam totam instauratam de carrucis et wainnagiis secundum quod tempus wainnagii exiget et exitus terrae rationabiliter poterunt sustinere.

selves and our barons, did grant and by our charter confirm—and did cause the lord pope Innocent III. to confirm—freedom of elections, which is considered most important and most necessary to the church of England. Which charter both we ourselves shall observe, and we will that it be observed with good faith by our heirs forever. We have also granted to all free men of our realm, on the part of ourselves and our heirs forever, all the subjoined liberties, to have and to hold, to them and to their heirs, from us and from our heirs:

2. If any one of our earls or barons, or of others holding from us in chief through military service, shall die; and if, at the time of his death, his heir be of full age and owe a relief: he shall have his inheritance by paying the old relief;—the heir, namely, or the heirs of an earl, by paying one hundred pounds for the whole barony of an earl; the heir or heirs of a baron, by paying one hundred pounds for the whole barony; the heir or heirs of a knight, by paying one hundred shillings at most for a whole knight's fee; and he who shall owe less shall give less, according to the ancient custom of fees.

3. But if the heir of any of the above persons shall be under age and in wardship,—when he comes of age he shall have his inheritance without relief and without fine.

4. The administrator of the land of such heir who shall be under age shall take none but reasonable issues from the land of the heir, and reasonable customs and services; and this without destruction and waste of men or goods. And if we shall have committed the custody of any such land to the sheriff or to any other man who ought to be responsible to us for the issues of it, and he cause destruction or waste to what is in his charge: we will fine him, and the land shall be handed over to two lawful and discreet men of that fee who shall answer to us, or to him to whom we shall have referred them, regarding those issues. And if we shall have given or sold to any one the custody of any such land, and he shall have caused destruction or waste to it,—he shall lose that custody, and it shall be given to two lawful and discreet men of that fee, who likewise shall answer to us, as has been explained.

5. The administrator, moreover, so long as he may have the custody of the land, shall keep in order, from the issues of that land, the houses, parks, warrens, lakes, mills, and other things pertaining to it. And he shall restore to the heir when he comes to full age, his whole land stocked with ploughs and wainnages, according as the time of the wainnage requires and the issues of the land will reasonably permit.

6. Haeredes maritentur absque disparagatione, ita tamen quod, antequam contrahatur matrimonium, ostendatur propinquis de consanguinitate ipsius haeredis.

7. Vidua post mortem mariti sui statim et sine difficultate habeat maritagium et haereditatem suam, nec aliquid det pro dote sua, vel pro maritagio suo, vel haereditate sua quam haereditatem maritus suus et ipsa tenuerint die obitus ipsius mariti, et maneat in domo mariti sui per quadraginta dies post mortem ipsius infra quos assignetur ei dos sua.

8. Nulla vidua distringatur ad se maritandum dum voluerit vivere sine marito, ita tamen quod securitatem faciat quod se non maritabit sine assensu nostro, si de nobis tenuerit, vel sine assensu domini sui de quo tenuerit, si de alio tenuerit.

9. Nec nos nec ballivi nostri seisiemus terram aliquam nec redditum pro debito aliquo, quamdiu catalla debitoris sufficiunt ad debitum reddendum; nec pleggii ipsius debitoris distringantur quamdiu ipse capitalis debitor sufficit ad solutionem debiti; et si capitalis debitor defecerit in solutione debiti, non habens unde solvat, pleggii respondeant de debito; et, si voluerint, habeant terras et redditus debitoris donec sit eis satisfactum de debito quod ante pro eo solverint, nisi capitalis debitor monstraverit se esse quietum inde versus eosdem pleggios.

10. Si quis mutuo ceperit aliquid a Judaeis, plus vel minus, et moriatur antequam debitum illum solvatur, debitum non usuret quamdiu haeres fuerit infra aetatem, de quocumque teneat; et si debitum illud inciderit in manus nostras, nos non capiemus nisi catallum contentum in carta.

11. Et si quis moriatur, et debitum debeat Judaeis, uxor ejus habeat dotem suam, et nihil reddat de debito illo; et si liberi ipsius defuncti qui fuerint infra aetatem remanserint, provideantur eis necessaria secundum tenementum quod fuerit defuncti, et de residuo solvatur debitum, salvo servitio dominorum; simili modo fiat de debitis quae debentur aliis quam Judaeis.

12. Nullum scutagium vel auxilium ponatur in regno nostro, nisi per commune consilium regni nostri, nisi ad corpus nostrum redimendum, et primogenitum filium nostrum militem faciendum, et ad filiam nostram primogenitam semel maritandam, et ad haec non fiat nisi rationabile auxilium: simili modo fiat de auxiliis de civitate Londoniarum.

6. Heirs may marry without disparagement; so, nevertheless, that, before the marriage is contracted, it shall be announced to the relations by blood of the heir himself.

7. A widow, after the death of her husband, shall straightway, and without difficulty, have her marriage portion and her inheritance, nor shall she give any thing in return for her dowry, her marriage portion, or the inheritance which belonged to her, and which she and her husband held on the day of the death of that husband. And she may remain in the house of her husband, after his death, for forty days; within which her dowry shall be paid over to her.

8. No widow shall be forced to marry when she prefers to live without a husband; so, however, that she gives security not to marry without our consent, if she hold from us, or the consent of the lord from whom she holds, if she hold from another.

9. Neither we nor our bailiffs shall seize any revenue for any debt, so long as the chattels of the debtor suffice to pay the debt; nor shall the sponsors of that debtor be distrained so long as that chief debtor has enough to pay the debt. But if the chief debtor fail in paying the debt, not having the wherewithal to pay it, the sponsors shall answer for the debt. And, if they shall wish, they may have the lands and revenues of the debtor until satisfaction shall have been given them for the debt previously paid for him; unless the chief debtor shall show that he is quit in that respect towards those same sponsors.

10. If any one shall have taken any sum, great or small, as a loan from the Jews, and shall die before that debt is paid,—that debt shall not bear interest so long as the heir, from whomever he may hold, shall be under age. And if the debt fall into our hands, we shall take nothing save the chattel contained in the deed.

11. And if any one dies owing a debt to the Jews, his wife shall have her dowry, and shall restore nothing of that debt. But if there shall remain children of that dead man, and they shall be under age, the necessaries shall be provided for them according to the nature of the dead man's holding; and, from the residue, the debt shall be paid, saving the service due to the lords. In like manner shall be done concerning debts that are due to others besides Jews.

12. No scutage or aid shall be imposed in our realm unless by the common council of our realm; except for redeeming our body, and knighting our eldest son, and marrying once our eldest daughter. And for these purposes there shall only be given a

13. Et civitas Londoniarum habeat omnes antiquas libertates et liberas consuetudines suas, tam per terras, quam per aquas. Praeterea volumus et concedimus quod omnes aliae civitates, et burgi, et villae, et portus, habeant omnes libertates et liberas consuetudines suas.

14. Et ad habendum commune consilium regni, de auxilio assidendo aliter quam in tribus casibus praedictis, vel de scutagio assidendo, summoneri faciemus archiepiscopos, episcopos, abbates, comites, et majores barones, sigillatim per litteras nostras; et praeterea faciemus summoneri in generali, per vicecomites et ballivos nostros, omnes illos qui de nobis tenent in capite; ad certum diem, scilicet ad terminum quadraginta dierum ad minus, et ad certum locum; et in omnibus litteris illius summonitionis causam summonitionis exprimemus; et sic facta summonitione negotium ad diem assignatum procedat secundum consilium illorum qui praesentes fuerint, quamvis non omnes summoniti venerint.

15. Nos non concedemus de cetero alicui quod capiat auxilium de liberis hominibus suis, nisi ad corpus suum redimendum, et ad faciendum primogenitum filium suum militem, et ad primogenitam filiam suam semel maritandam, et ad haec non fiat nisi rationabile auxilium.

16. Nullus distringatur ad faciendum majus servitium de feodo militis, nec de alio libero tenemento, quam inde debetur.

17. Communia placita non sequantur curiam nostram sed teneantur in aliquo loco certo.

18. Recognitiones de novâ dissaisina, de morte antecessoris, et de ultima praesentatione, non capiantur nisi in suis comitatibus et hoc modo; nos, vel si extra regnum fuerimus, capitalis justiciarus noster, mittemus duos justiciarios per unumquemque comitatum per quatuor vices in anno, qui, cum quatuor militibus cujuslibet comitatus electis per comitatum, capiant in comitatu et in die et loco comitatus assisas praedictas.

19. Et si in die comitatus assisae praedictae capi non possint, tot milites et libere tenentes remaneant de illis qui interfuerint comitatui die illo, per quos possint judicia sufficienter fieri, secundum quod negotium fuerit majus vel minus.

20. Liber homo non amercietur pro parvo delicto, nisi secundum modum delicti: et pro magno delicto amercietur secundum magnitudinem delicti, salvo, contenemento suo; et mercator eodem

reasonable aid. In like manner shall be done concerning the aids of the city of London.

13. And the city of London shall have all its old liberties and free customs as well by land as by water. Moreover we will and grant that all other cities and burroughs, and towns and ports, shall have all their liberties and free customs.

14. And, in order to have the common council of the realm in the matter of assessing an aid otherwise than in the aforesaid cases, or of assessing a scutage,—we shall cause, under seal through our letters, the archbishops, bishops, abbots, earls, and greater barons to be summoned for a fixed day—for a term, namely, at least forty days distant,—and for a fixed place. And, moreover, we shall cause to be summoned in general, through our sheriffs and bailiffs, all those who hold of us in chief. And in all those letters of summons we shall express the cause of the summons. And when a summons has thus been made, the business shall be proceeded with on the day appointed according to the counsel of those who shall be present, even though not all shall come who were summoned.

15. We will not allow any one henceforth to take an aid from his freemen save for the redemption of his body, and the knighting of his eldest son, and the marrying, once, of his eldest daughter; and, for these purposes, there shall only be given a reasonable aid.

16. No one shall be forced to do more service for a knight's fee, or for another free holding, than is due from it.

17. Common pleas shall not follow our court but shall be held in a certain fixed place.

18. Assizes of novel disseisin, of mort d'ancestor, and of darrein presentment shall not be held save in their own counties, and in this way: we, or our chief justice, if we shall be absent from the kingdom, shall send two justices through each county four times a year; they, with four knights from each county, chosen by the county, shall hold the aforesaid assizes in the county, and on the day and at the place of the county court.

19. And, if on the day of the county court the aforesaid assizes can not be held, a sufficient number of knights and free tenants, from those who were present at the county court on that day, shall remain, so that through them the judgments may be suitably given, according as the matter may have been great or small.

20. A freeman shall only be amerced for a small offence according to the measure of that offence. And for a great offence he shall be amerced according to the magnitude of the

modo salva mercandisa sua; et villanus eodem modo amercietur salvo wainnagio suo, si inciderint in misericordiam nostram; et nulla praedictarum misericordiarum ponatur, nisi per sacramentum proborum hominum de visneto.

21. Comites et barones non amercientur nisi per pares suos, et non nisi secundum modum delicti.

22. Nullus clericus amercietur de laico tenemento suo, nisi secundum modum aliorum praedictorum, et non secundum quantitatem beneficii sui ecclesiastici.

23. Nec villa nec homo distringatur facere pontes ad riparias, nisi qui ab antiquo et de jure facere debent.

24. Nullus vicecomes, constabularius, coronatores, vel alii ballivi nostri, teneant placita coronae nostrae.

25. Omnes comitatus, hundredi, wapentakii, et trethingii, sint ad antiquas firmas absque ullo incremento, exceptis dominicis maneriis nostris.

26. Si aliquis tenens de nobis laicum feodum moriatur, et vicecomes vel ballivus noster ostendat litteras nostras patentes de summonitione nostra de debito quod defunctus nobis debuit, liceat vicecomiti vel ballivo nostro attachiare et inbreviare catalla defuncti inventa in laico feodo, ad valentiam illius debiti, per visum legalium hominum, ita tamen quod nihil inde amoveatur, donec persolvatur nobis debitum quod clarum fuerit; et residuum relinquatur executoribus ad faciendum testamentum defuncti; et, si nihil nobis debeatur ab ipso, omnia catalla cedant defuncto, salvis uxori ipsius et pueris rationabilibus partibus suis.

27. Si aliquis liber homo intestatus decesserit, catalla sua per manus propinquorum parentum et amicorum suorum, per visum ecclesiae distribuantur, salvis unicuique debitis quae defunctus ei debebat.

28. Nullus constabularius, vel alius ballivus noster, capiat blada vel alia catalla alicujus, nisi statim inde reddat denarios, aut respectum inde habere possit de voluntate venditoris.

29. Nullus constabularius distringat aliquem militem ad dandum denarios pro custodia castri, si facere voluerit custodiam illam in propria persona sua, vel per alium probum hominem, si ipse eam facere non possit propter rationabilem causam; et si nos duxerimus vel miserimus eum in exercitum, erit quietus de cus-

offence, saving his contenement; and a merchant, in the same way, saving his merchandize. And a villein, in the same way, if he fall under our mercy, shall be amerced saving his wainnage. And none of the aforesaid fines shall be imposed save upon oath of upright men from the neighbourhood.

21. Earls and barons shall not be amerced save through their peers, and only according to the measure of the offence.

22. No clerk shall be amerced for his lay tenement except according to the manner of the other persons aforesaid; and not according to the amount of his ecclesiastical benefice.

23. Neither a town nor a man shall be forced to make bridges over the rivers, with the exception of those who, from of old and of right ought to do it.

24. No sheriff, constable, coroners, or other bailiffs of ours shall hold the pleas of our crown.

25. All counties, hundreds, wapentakes, and trithings—our demesne manors being excepted—shall continue according to the old farms, without any increase at all.

26. If any one holding from us a lay fee shall die, and our sheriff or bailiff can show our letters patent containing our summons for the debt which the dead man owed to us,—our sheriff or bailiff may be allowed to attach and enroll the chattels of the dead man to the value of that debt, through view of lawful men; in such way, however, that nothing shall be removed thence until the debt is paid which was plainly owed to us. And the residue shall be left to the executors that they may carry out the will of the dead man. And if nothing is owed to us by him, all the chattels shall go to the use prescribed by the deceased, saving their reasonable portions to his wife and children.

27. If any freeman shall have died intestate his chattels shall be distributed through the hands of his near relatives and friends, by view of the church; saving to any one the debts which the dead man owed him.

28. No constable or other bailiff of ours shall take the corn or other chattels of any one except he straightway give money for them, or can be allowed a respite in that regard by the will of the seller.

29. No constable shall force any knight to pay money for castleward if he be willing to perform that ward in person, or—he for a reasonable cause not being able to perform it himself—through another proper man. And if we shall have led or sent him on a military expedition, he shall be quit of ward according

todia, secundum quantitatem temporis quo per nos fuerit in exercitu.

30. Nullus vicecomes, vel ballivus noster, vel aliquis alius, capiat equos vel caretas alicujus liberi hominis pro cariagio faciendo, nisi de voluntate ipsius liberi hominis.

31. Nec nos nec ballivi nostri capiemus alienum boscum ad castra, vel alia agenda nostra, nisi per voluntatem ipsius cujus boscus ille fuerit.

32. Nos non tenebimus terras illorum qui convicti fuerint de felonia, nisi per unum annum et unum diem, et tunc reddantur terrae dominis feodorum.

33. Omnes kydelli de cetero deponantur penitus de Thamisia, et de Medewaye, et per totam Angliam, nisi per costeram maris.

34. Breve quod vocatur *Praecipe* de cetero non fiat alicui de aliquo tenemento unde liber homo amittere possit curiam suam.

35. Una mensura vini sit per totum regnum nostrum, et una mensura cervisiae, et una mensura bladi, scilicet quarterium Londoniense, et una latitudo pannorum tinctorum et russettorum et halbergettorum, scilicet duae ulnae infra listas; de ponderibus autem sit ut de mensuris.

36. Nihil detur vel capiatur de cetero pro brevi inquisitionis de vita vel membris, sed gratis concedatur et non negetur.

37. Si aliquis teneat de nobis per feodifirmam, vel per sokagium, vel per burgagium, et de alio terram teneat per servitium militare, nos non habebimus custodiam haeredis nec terrae suae quae est de feodo alterius, occasione illius feodifirmae, vel sokagii, vel burgagii; nec habebimus custodiam illius feodifirmae, vel sokagii, vel burgagii, nisi ipsa feodifirma debeat servitium militare. Nos non habebimus custodiam haeredis vel terrae alicujus, quam tenet de alio per servitium militare, occasione alicujus parvae sergenteriae quam tenet de nobis per servitium reddendi nobis cultellos, vel sagittas, vel hujusmodi.

38. Nullus ballivus ponat de cetero aliquem ad legem simplici loquela sua, sine testibus fidelibus ad hoc inductis.

39. Nullus liber homo capiatur, vel imprisonetur, aut dissaisiatur, aut utlagetur, aut exuletur, aut aliquo modo destruatur, nec super eum ibimus, nec super eum mittemus, nisi per legale judicium parium suorum vel per legem terrae.

to the amount of time during which, through us, he shall have been in military service.

30. No sheriff nor bailiff of ours, nor any one else, shall take the horses or carts of any freeman for transport, unless by the will of that freeman.

31. Neither we nor our bailiffs shall take another's wood for castles or for other private uses, unless by the will of him to whom the wood belongs.

32. We shall not hold the lands of those convicted of felony longer than a year and a day; and then the lands shall be restored to the lords of the fiefs.

33. Henceforth all the weirs in the Thames and Medway, and throughout all England, save on the sea-coast, shall be done away with entirely.

34. Henceforth the writ which is called *Praecipe* shall not be served on any one for any holding so as to cause a free man to lose his court.

35. There shall be one measure of wine throughout our whole realm, and one measure of ale and one measure of corn—namely, the London quart;—and one width of dyed and russet and hauberk cloths—namely, two ells below the selvage. And with weights, moreover, it shall be as with measures.

36. Henceforth nothing shall be given or taken for a writ of inquest in a matter concerning life or limb; but it shall be conceded gratis, and shall not be denied.

37. If any one hold of us in fee-farm, or in socage, or in burkage, and hold land of another by military service, we shall not, by reason of that fee-farm, or socage, or burkage, have the wardship of his heir or of his land which is held in fee from another. Nor shall we have the wardship of that fee-farm, or socage, or burkage unless that fee-farm owe military service. We shall not, by reason of some petit-serjeanty which some one holds of us through the service of giving us knives or arrows or the like, have the wardship of his heir or of the land which he holds of another by military service.

38. No bailiff, on his own simple assertion, shall henceforth put any one to his law, without producing faithful witnesses in evidence.

39. No freeman shall be taken, or imprisoned, or disseized, or outlawed, or exiled, or in any way harmed—nor will we go upon or send upon him—save by the lawful judgment of his peers or by the law of the land.

40. Nulli vendemus, nulli negabimus, aut differemus, rectum aut justiciam.

41. Omnes mercatores habeant, salvum et securum exire de Anglia, et venire in Angliam, et morari et ire per Angliam, tam per terram quam per aquam, ad emendum et vendendum, sine omnibus malis toltis, per antiquas et rectas consuetudines, praeterquam in tempore gwerrae, et si sint de terra contra nos gwerrina; et si tales inveniantur in terra nostra in principio gwerrae, attachientur sine dampno corporum et rerum, donec sciatur a nobis vel capitali justiciario nostro quomodo mercatores terrae nostrae tractentur, qui tunc invenientur in terra contra nos gwerrina; et si nostri salvi sint ibi, alii salvi sint in terra nostra.

42. Liceat unicuique de cetero exire de regno nostro, et redire, salvo et secure, per terram et per aquam, salva fide nostra, nisi tempore gwerrae per aliquod breve tempus, propter communem utilitatem regni, exceptis imprisonatis et utlagatis secundum legem regni, et gente de terra contra nos gwerrina, et mercatoribus de quibus fiat sicut praedictum est.

43. Si quis tenuerit de aliqua escaeta, sicut de honore Walingeford, Notingeham, Bononiae, Lainkastriae, vel de aliis eskaetis, quae sunt in manu nostra, et sunt baroniae, et obierit, haeres ejus non det aliud relevium, nec faciat nobis aliud servitium quam faceret baroni si baronia illa esset in manu baronis; et nos eodem modo eam tenebimus quo baro eam tenuit.

44. Homines qui manent extra forestam non veniant de cetero coram justiciariis nostris de foresta per communes summonitiones, nisi sint in placito, vel pleggii alicujus vel aliquorum, qui attachiati sint pro foresta.

45. Nos non faciemus justiciarios, constabularios, vicecomites, vel ballivos, nisi de talibus qui scient legem regni et eam bene velint observare.

46. Omnes barones qui fundaverunt abbatias, unde habent cartas regum Angliae, vel antiquam tenuram. habeant earum custodiant cum vacaverint, sicut habere debent.

47. Omnes forestae quae aforestatae sunt tempore nostro, statim deafforestentur; et ita fiat de ripariis quae per nos tempore nostro positae sunt in defenso.

48. Omnes malae consuetudines de forestis et warennis, et de forestariis et warennariis, vicecomitibus et eorum ministris, ripariis et earum custodibus, statim inquirantur in quolibet

40. To none will we sell, to none deny or delay, right or justice.

41. All merchants may safely and securely go out of England, and come into England, and delay and pass through England, as well by land as by water, for the purpose of buying and selling, free from all evil taxes, subject to the ancient and right customs —save in time of war, and if they are of the land at war against us. And if such be found in our land at the beginning of the war, they shall be held, without harm to their bodies and goods, until it shall be known to us or our chief justice how the merchants of our land are to be treated who shall, at that time, be found in the land at war against us. And if ours shall be safe there, the others shall be safe in our land.

42. Henceforth any person, saving fealty to us, may go out of our realm and return to it, safely and securely, by land and by water, except perhaps for a brief period in time of war, for the common good of the realm. But prisoners and outlaws are excepted according to the law of the realm; also people of a land at war against us, and the merchants, with regard to whom shall be done as we have said.

43. If any one hold from any escheat—as from the honour of Wallingford, Nottingham, Boloin, Lancaster, or the other escheats which are in our hands and are baronies—and shall die, his heir shall not give another relief, nor shall he perform for us other service than he would perform for a baron if that barony were in the hand of a baron; and we shall hold it in the same way in which the baron has held it.

44. Persons dwelling without the forest shall not henceforth come before the forest justices, through common summonses, unless they are impleaded or are the sponsors of some person or persons attached for matters concerning the forest.

45. We will not make men justices, constables, sheriffs, or bailiffs, unless they are such as know the law of the realm, and are minded to observe it rightly.

46. All barons who have founded abbeys for which they have charters of the kings of England, or ancient right of tenure, shall have, as they ought to have, their custody when vacant.

47. All forests constituted as such in our time shall straightway be annulled; and the same shall be done for river banks made into places of defence by us in our time.

48. All evil customs concerning forests and warrens, and concerning foresters and warreners, sheriffs and their servants, river banks and their guardians, shall straightway be inquired into in

comitatu per duodecim milites juratos de eodem comitatu, qui debent eligi per probos homines ejusdem comitatus, et infra quadraginta dies post inquisitionem factam, penitus, ita quod numquam revocentur, deleantur per eosdem, ita quod nos hoc sciamus prius, vel justiciarius noster, si in Anglia non fuerimus.

49. Omnes obsides et cartas statim reddemus quae liberatae fuerunt nobis ab Anglicis in securitatem pacis vel fidelis servitii.

50. Nos amovebimus penitus de balliis parentes Gerardi de Athyes, quod de cetero nullam habeant balliam in Anglia; Engelardum de Cygoniis, Andream, Petrum et Gyonem de Cancellis, Gyonem de Cygoniis, Galfridum de Martyni et fratres ejus, Philippum Mark et fratres ejus, et Galfridum nepotem ejus, et totam sequelam eorumdem.

51. Et statim post pacis reformationem amovebimus de regno omnes alienigenas milites, balistarios, servientes; stipendiarios, qui venerint cum equis et armis ad nocumentum regni.

52. Si quis fuerit disseisitus vel elongatus per nos sine legali judicio parium suorum, de terris, castallis, libertatibus, vel jure suo, statim ea ei restituemus; et si contentio super hoc orta fuerit, tunc inde fiat per judicium viginti quinque baronum, de quibus fit mentio inferius in securitate pacis: de omnibus autem illis de quibus aliquis disseisitus fuerit vel elongatus sine legali judicio parium suorum, per Henricum regem patrem nostrum vel per Ricardum regem fratrem nostrum, quae in manu nostra habemus, vel quae alii tenent, quae nos oporteat warantizare, respectum habebimus usque ad communem terminum crucesignatorum; exceptis illis de quibus placitum motum fuit vel inquisitio facta per praeceptum nostrum, ante susceptionem crucis nostrae: cum autem redierimus de peregrinatione nostra, vel si forte remanserimus a peregrinatione nostra, statim inde plenam justiciam exhibebimus.

53. Eundem autem respectum habebimus, et eodem modo, de justicia exhibenda de forestis deafforestandis vel remansuris forestis, quas Henricus pater noster vel Ricardus frater noster afforestaverunt, et de custodiis terrarum quae sunt de alieno feodo, cujusmodi custodias hucusque habuimus occasione feodi quod aliquis de nobis tenuit per servitium militare, et de abbatiis quae fundatae fuerint in feodo alterius quam nostro, in quibus dominus feodi dixerit se jus habere; et cum redierimus, vel si remanseri-

each county, through twelve sworn knights from that county, and shall be eradicated by them, entirely, so that they shall never be renewed, within forty days after the inquest has been made; in such manner that we shall first know about them, or our justice if we be not in England.

49. We shall straightway return all hostages and charters which were delivered to us by Englishmen as a surety for peace or faithful service.

50. We shall entirely remove from their bailiwicks the relatives of Gerard de Athyes, so that they shall henceforth have no bailiwick in England: Engelard de Cygnes, Andrew Peter and Gyon de Chanceles, Gyon de Cygnes, Geoffrey de Martin and his brothers, Philip Mark and his brothers, and Geoffrey his nephew, and the whole following of them.

51. And straightway after peace is restored we shall remove from the realm all the foreign soldiers, crossbowmen, servants, hirelings, who may have come with horses and arms to the harm of the realm.

52. If any one shall have been disseized by us, or removed, without a legal sentence of his peers, from his lands, castles, liberties or lawful right, we shall straightway restore them to him. And if a dispute shall arise concerning this matter it shall be settled according to the judgment of the twenty-five barons who are mentioned below as sureties for the peace. But with regard to all those things of which any one was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: we shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them.

53. We shall have the same respite, moreover, and in the same manner, in the matter of showing justice with regard to forests to be annulled and forests to remain, which Henry our father or Richard our brother constituted; and in the matter of wardships of lands which belong to the fee of another—wardships of which kind we have hitherto enjoyed by reason of the fee which some one held from us in military service;—and in the matter of abbeys founded in the fee of another than ourselves—in which the lord of the fee may say that he has jurisdiction. And when we return

mus a peregrinatione nostra, super hiis conquerentibus plenam justiciam statim exhibebimus.

54. Nullus capiatur nec imprisonetur propter appellum foeminae de morte alterius quam viri sui.

55. Omnes fines qui injuste et contra legem terrae facti sunt nobiscum, et omnia amerciamenta facta injuste et contra legem terrae, omnino condonentur, vel fiat inde per judicium viginti quinque baronum de quibus fit mentio inferius in securitate pacis, vel per judicium majoris partis eorumdem, una cum praedicto Stephano Cantuariensi archiepiscopo, si interesse poterit, et aliis quos secum ad hoc vocare voluerit: et si interesse non poterit, nihilominus procedat negotium sine eo, ita quod, si aliquis vel aliqui de praedictis viginti quinque baronibus fuerint in simili querela, amoveantur quantum ad hoc judicium, et alii loco illorum per residuos de eisdem viginti quinque, tantum ad hoc faciendum electi et jurati substituantur.

56. Si nos dissaisivimus vel elongavimus Walenses de terris vel libertatibus vel rebus aliis, sine legali judicio parium suorum, in Anglia vel in Wallia, eis statim reddantur; et si contentio super hoc orta fuerit, tunc inde fiat in marchia per judicium parium suorum, de tenementis Angliae secundum legem Angliae, de tenementis Walliae secundum legem Walliae, de tenementis marchiae secundum legem marchiae. Idem facient Walenses nobis et nostris.

57. De omnibus autem illis de quibus aliquis Walensium dissaisitus fuerit vel elongatus sine legali judicio parium suorum, per Henricum regem patrem nostrum vel Ricardum regem fratrem nostrum, quae nos in manu nostra habemus, vel quae alii tenent quae nos oporteat warantizare, respectum habebimus usque ad communem terminum crucesignatorum, illis exceptis de quibus placitum motum fuit vel inquisitio facta per praeceptum nostrum ante susceptionem crucis nostrae: cum autem redierimus, vel si forte remanserimus a peregrinatione nostra, statim eis inde plenam justiciam exhibebimus, secundum leges Walensium et partes praedictas.

58. Nos reddemus filium Lewelini statim, et omnes obsides de Wallia, et cartas quae nobis liberatae fuerunt in securitatem pacis.

59. Nos faciemus Allexandro regi Scottorum de sororibus suis, et obsidibus reddendis, et liberatibus suis, et jure suo, secundum

or if we desist from our pilgrimage, we shall straightway exhibit full justice to those complaining with regard to these matters.

54. No one shall be taken or imprisoned on account of the appeal of a woman concerning the death of another than her husband.

55. All fines imposed by us unjustly and contrary to the law of the land, and all amerciaments made unjustly and contrary to the law of the land, shall be altogether remitted, or it shall be done with regard to them according to the judgment of the twenty-five barons mentioned below as sureties for the peace, or according to the judgment of the majority of them together with the aforesaid Stephen archbishop of Canterbury, if he can be present, and with others whom he may wish to associate with himself for this purpose. And if he can not be present, the affair shall nevertheless proceed without him; in such way that, if one or more of the said twenty-five barons shall be concerned in a similar complaint, they shall be removed as to this particular decision, and, in their place, for this purpose alone, others shall be substituted who shall be chosen and sworn by the remainder of those twenty-five.

56. If we have disseized or dispossessed Welshmen of their lands or liberties or other things without legal judgment of their peers, in England or in Wales,—they shall straightway be restored to them. And if a dispute shall arise concerning this, then action shall be taken upon it in the March through judgment of their peers—concerning English holdings according to the law of England, concerning Welsh holdings according to the law of Wales, concerning holdings in the March according to the law of the March. The Welsh shall do likewise with regard to us and our subjects.

57. But with regard to all those things of which any one of the Welsh was, by king Henry our father or king Richard our brother, disseized or dispossessed without legal judgment of his peers, which we have in our hand or which others hold, and for which we ought to give a guarantee: we shall have respite until the common term for crusaders. Except with regard to those concerning which a plea was moved, or an inquest made by our order, before we took the cross. But when we return from our pilgrimage, or if, by chance, we desist from our pilgrimage, we shall straightway then show full justice regarding them, according to the laws of Wales and the aforesaid districts.

58. We shall straightway return the son of Llewelin and all the

formam in qua faciemus aliis baronibus nostris Angliae, nisi aliter esse debeat per cartas quas habemus de Willelmo patre ipsius, quondam rege Scottorum; et hoc erit per judicium parium suorum in curia nostra.

60. Omnes autem istas consuetudines praedictas et libertates quas nos concessimus in regno nostro tenendas quantum ad nos pertinet erga nostros, omnes de regno nostro, tam clerici quam laici, observent quantum ad se pertinet erga suos.

61. Cum autem pro Deo, et ad emendationem regni nostri, et ad melius sopiendum discordiam inter nos et barones nostros ortam, haec omnia praedicta concesserimus, volentes ea integra et firma stabilitate gaudere in perpetuum, facimus et concedimus eis securitatem subscriptam; videlicet quod barones eligant viginti quinque barones de regno quos voluerint, qui debeant pro totis viribus suis observare, tenere, et facere observari, pacem et libertates quas eis concessimus, et hac praesenti carta nostra confirmavimus, ita scilicet quod, si nos, vel justiciarius noster, vel ballivi nostri, vel aliquis de ministris nostris, in aliquo erga aliquem deliquerimus, vel aliquem articulorum pacis aut securitatis transgressi fuerimus, et delictum ostensum fuerit quatuor baronibus de praedictis viginti quinque baronibus, illi quatuor barones accedant ad nos vel ad justiciarium nostrum, si fuerimus extra regnum, proponentes nobis exessum: petent ut excessum illum sine dilatione faciamus emendari. Et si nos excessum non emendaverimus, vel, si fuerimus extra regnum, justiciarius noster non emendaverit infra tempus quadraginta dierum computandum a tempore quo monstratum fuerit nobis vel justiciario nostro si extra regnum fuerimus, praedicti quatuor barones referant causam illam ad residuos de viginti quinque baronibus, et illi viginti quinque barones cum communa totius terrae distringent et grava bunt nos modis omnibus quibus poterunt, scilicet per captionem castrorum, terrarum, possessionum, et aliis modis quibus poterunt, donec fuerit emendatum secundum arbitrium eorum, salva persona nostra et reginae nostrae et liberorum nostrorum; et cum fuerit emendatum intendent nobis sicut prius fecerunt. Et quicumque voluerit de terra juret quod ad praedicta omnia exsequenda parebit mandatis praedictorum viginti quinque baronum, et quod gravabit nos pro posse suo cum ipsis, et nos publice et libere damus licentiam jurandi cuilibet qui jurare voluerit, et nulli umquam jurare prohibebimus. Omnes autem illos de terra

Welsh hostages, and the charters delivered to us as surety for the peace.

59. We shall act towards Alexander king of the Scots regarding the restoration of his sisters, and his hostages, and his liberties and his lawful right, as we shall act towards our other barons of England; unless it ought to be otherwise according to the charters which we hold from William, his father, the former king of the Scots. And this shall be done through judgment of his peers in our court.

60. Moreover all the subjects of our realm, clergy as well as laity, shall, as far as pertains to them, observe, with regard to their vassals, all these aforesaid customs and liberties which we have decreed shall, as far as pertains to us, be observed in our realm with regard to our own.

61. Inasmuch as, for the sake of God, and for the bettering of our realm, and for the more ready healing of the discord which has arisen between us and our barons, we have made all these aforesaid concessions,—wishing them to enjoy forever entire and firm stability, we make and grant to them the following security: that the barons, namely, may elect at their pleasure twenty-five barons from the realm, who ought, with all their strength, to observe, maintain and cause to be observed, the peace and privileges which we have granted to them and confirmed by this, our present charter. In such wise, namely, that if we, or our justice, or our bailiffs, or any one of our servants shall have transgressed against any one in any respect, or shall have broken some one of the articles of peace or security, and our transgression shall have been shown to four barons of the aforesaid twenty-five: those four barons shall come to us, or, if we are abroad, to our justice, showing to us our error; and they shall ask us to cause that error to be amended without delay. And if we do not amend that error, or, we being abroad, if our justice do not amend it within a term of forty days from the time when it was shown to us or, we being abroad, to our justice: the aforesaid four barons shall refer the matter to the remainder of the twenty-five barons, and those twenty-five barons, with the whole land in common, shall distrain and oppress us in every way in their power,—namely, by taking our castles, lands and possessions, and in every other way that they can, until amends shall have been made according to their judgment. Saving the persons of ourselves, our queen and our children. And when amends shall have been made they shall be in accord with us as they had been

qui per se et sponte sua noluerint jurare viginti quinque baronibus, de distringendo et gravando nos cum eis, faciemus jurare eosdem de mandato nostro, sicut praedictum est. Et si aliquis de viginti quinque baronibus decesserit, vel a terra recesserit, vel aliquo alio modo impeditus fuerit, quo minus ista praedicta possent exsequi, qui residui fuerint de praedictis viginti quinque baronibus eligant alium loco ipsius, pro arbitrio suo, qui simili modo erit juratus quo et ceteri. In omnibus autem quae istis viginti quinque baronibus committuntur exsequenda, si forte ipsi viginti quinque praesentes fuerint, et inter se super re aliqua discordaverint, vel aliqui ex eis summoniti nolint vel nequeant interesse, ratum habeatur et firmum quod major pars eorum qui praesentes fuerint providerit, vel praeceperit, ac si omnes viginti quinque in hoc consensissent; et praedicti viginti quinque jurent quod omnia antedicta fideliter observabunt, et pro toto posse suo facient observari. Et nos nihil impetrabimus ab aliquo, per nos nec per alium, per quod aliqua istarum concessionum et libertatum revocetur vel minuatur; et, si aliquid tale impetratum fuerit, irritum sit et inane et numquam eo utemur per nos nec per alium.

62. Et omnes malas voluntates, indignationes, et rancores, ortos inter nos et homines nostros, clericos et laicos, a tempore discordiae, plene omnibus remisimus et condonavimus. Praeterea omnes transgressiones factas occasione ejusdem discordiae, a Pascha anno regni nostri sextodecimo usque ad pacem reformatam, plene remisimus omnibus, clericis et laicis, et quantum ad nos pertinet plene condonavimus. Et insuper fecimus eis fieri litteras testimoniales patentes domini Stephani Cantuariensis archiepiscopi, domini Henrici Dublinensis archiepiscopi, et episcoporum praedictorum, et magistri Pandulfi, super securitate ista et concessionibus praefatis.

63. Quare volumus et firmiter praecipimus quod Anglicana ecclesia libera sit et quod homines in regno nostro habeant et teneant omnes praefatas libertates, jura, et concessiones, bene et in pace, libere et quiete, plene et integre, sibi et haeredibus suis, de nobis et haeredibus nostris, in omnibus rebus et locis, in perpetuum, sicut praedictum est. Juratum est autem tam ex parte nostra quam ex parte baronum, quod haec omnia supradicta bona fide et sine malo ingenio observabuntur. Testibus supradictis et

previously. And whoever of the land wishes to do so, shall swear that in carrying out all the aforesaid measures he will obey the mandates of the aforesaid twenty-five barons, and that, with them, he will oppress us to the extent of his power. And, to any one who wishes to do so, we publicly and freely give permission to swear; and we will never prevent any one from swearing. Moreover, all those in the land who shall be unwilling, themselves and of their own accord, to swear to the twenty-five barons as to distraining and oppressing us with them: such ones we shall make to swear by our mandate, as has been said. And if any one of the twenty-five barons shall die, or leave the country, or in any other way be prevented from carrying out the aforesaid measures,—the remainder of the aforesaid twenty-five barons shall choose another in his place, according to their judgment, who shall be sworn in the same way as the others. Moreover, in all things entrusted to those twenty-five barons to be carried out, if those twenty-five shall be present and chance to disagree among themselves with regard to some matter, or if some of them, having been summoned, shall be unwilling or unable to be present: that which the majority of those present shall decide or decree shall be considered binding and valid, just as if all the twenty-five had consented to it. And the aforesaid twenty-five shall swear that they will faithfully observe all the foregoing, and will cause them to be observed to the extent of their power. And we shall obtain nothing from any one, either through ourselves or through another, by which any of those concessions and liberties may be revoked or diminished. And if any such thing shall have been obtained, it shall be vain and invalid, and we shall never make use of it either through ourselves or through another.

62. And we have fully remitted to all, and pardoned, all the ill-will, anger and rancour which have arisen between us and our subjects, clergy and laity, from the time of the struggle. Moreover we have fully remitted to all, clergy and laity, and—as far as pertains to us—have pardoned fully all the transgressions committed, on the occasion of that same struggle, from Easter of the sixteenth year of our reign until the re-establishment of peace. In witness of which, moreover, we have caused to be drawn up for them letters patent of lord Stephen, archbishop of Canterbury, lord Henry, archbishop of Dublin, and the aforesaid bishops and master Pandulf, regarding that surety and the aforesaid concessions.

multis aliis. Data per manum nostram in prato quod vocatur Runingmede, inter Windelesorum et Stanes, quinto decimo die Junii, anno regni nostri septimo decimo.

MATT. PARIS, p. 262. Hi autem sunt XXV barones electi.

Comes de Clare.
Comes Albemarlae.
Comes Gloverniae.
Comes Wintoniensis.
Comes Herefordensis.
Comes Rogerus (Bigot).
Comes Robertus (de Vere).
Willelmus Marescallus, Junior.
Robertus Filius Walteri, Senior.
Gilbertus de Clare.
Eustachius de Vesci.
Hugo Bigod.
Willelmus de Munbrai.
Major de Lundoniis.
Willelmus de Lanvalay.
Robertus de Ros.
Constabularius Cestriae.
Ricardus de Perci.
Johannes Filius Roberti.
Willelmus Malet.
Gaufridus de Say.
Rogerus de Mumbezon.
Willelmus de Huntingfeld.
Ricardus de Muntfichet.
Willelmus de Albineio.

63. Wherefore we will and firmly decree that the English church shall be free, and that the subjects of our realm shall have and hold all the aforesaid liberties, rights and concessions duly and in peace, freely and quietly, fully and entirely, for themselves and their heirs, from us and our heirs, in all matters and in all places, forever, as has been said. Moreover it has been sworn, on our part as well as on the part of the barons, that all these above mentioned provisions shall be observed with good faith and without evil intent. The witnesses being the above mentioned and many others. Given through our hand, in the plain called Runnimede, between Windsor and Stanes, on the fifteenth day of June, in the seventeenth year of our reign.

* Earl of Clare.
Earl of Albemarle.
Earl of Gloucester.
Earl of Winchester.
Earl of Hereford.
Earl Roger.
Earl Robert.
William Marshall the younger.
Robert Fitz-Walter the elder.
Gilbert de Clare.
Eustace de Vescy.
Hugh Bigod.
William Mersbray.
Mayor of London.
Gilbert de Laval.
Robert de Roos.
Constable of Chester.
Richard Percy.
John Fitz-Robert.
William Malet.
Geoffrey de Say.
Roger de Mowbray.
William of Huntingfield.
Richard de Montfichet.
William de Albeney.

* The translation of the names of the signers of the Magna Charta is taken from "Roger of Wendover's Flowers of History," Vol. II, page 323.

DECLARATION OF RIGHTS.

In Congress, at New York, October 19, 1765.

The Congress, upon mature deliberation, agreed to the following declarations of the rights and grievances of the colonists in America:

The members of this Congress, sincerely devoted, with the warmest sentiments of affection and duty, to his Majesty's person and government, inviolably attached to the present happy establishment of the Protestant succession, and with minds deeply impressed by a sense of the present and impending misfortunes of the British colonies on this continent; having considered, as maturely as time will permit, the circumstances of the said colonies, esteem it our indispensable duty to make the following declarations of our humble opinion respecting the most essential rights and liberties of the colonists and of the grievances under which they labor by reason of the several late acts of Parliament:

1. That His Majesty's subjects in these colonies owe the same allegiance to the crown of Great Britain that is owing from his subjects born within the realm; and all due subordination to that august body, the Parliament of Great Britain.

2. That His Majesty's liege subjects, in these colonies, are entitled to all the inherent rights and liberties of his natural-born subjects within the kingdom of Great Britain.

3. That it is inseparably essential to the freedom of a people, and the undoubted right of Englishmen, that no taxes be imposed on them but with their own consent, given personally, or by their representatives.

4. That the people of these colonies are not, and from their local circumstances can not be, represented in the House of Commons, in Great Britain.

5. That the only representatives of the people of these colonies are persons chosen therein by themselves; and that no taxes ever have been, or can be constitutionally imposed on them, but by their respective legislatures.

6. That all supplies to the Crown, being the free gifts of the people, it is unreasonable and inconsistent with the principles

and spirit of the British constitution for the people of Great Britain to grant to His Majesty the property of the colonists.

7. That trial by jury is the inherent and invaluable right of every British subject in these colonies.

8. That the late act of Parliament, entitled "An act for granting and applying certain stamp duties, and other duties in the British colonies and plantations, in America, etc.," by imposing taxes on the inhabitants of these colonies, and the said act, and several other acts, by extending the jurisdiction of the courts of admiralty beyond its ancient limits, have a manifest tendency to subvert the rights and liberties of the colonists.

9. That the duties imposed by several late acts of Parliament, from the peculiar circumstances of these colonies, will be extremely burthensome and grievous, and from the scarcity of specie, the payment of them absolutely impracticable.

10. That as the profits of the trade of these colonies ultimately center in Great Britain, to pay for the manufactures which they are obliged to take from thence, they eventually contribute very largely to all supplies granted there to the Crown.

11. That the restrictions imposed by several late acts of Parliament on the trade of these colonies, will render them unable to purchase the manufactures of Great Britain.

12. That the increase, prosperity, and happiness of these colonies depend on the full and free enjoyments of their rights and liberties, and an intercourse with Great Britain, mutually affectionate and advantageous.

13. That it is the right of the British subjects in these colonies to petition the King, or either house of Parliament.

Lastly, that it is the indispensable duty of these colonies, to the best of sovereigns, to the mother country, and to themselves, to endeavor by a loyal and dutiful address to His Majesty, and humble applications to both houses of Parliament, to procure the repeal of the act for granting and applying certain stamp duties, of all clauses of any other acts of Parliament, whereby the jurisdiction of the admiralty is extended, as aforesaid, and of the other late acts for the restriction of American commerce.

DECLARATION OF RIGHTS.

In Congress, at Philadelphia, October 14, 1774.

WHEREAS, Since the close of the last war, the British Parliament, claiming a power of right to bind the people of America by statutes in all cases whatsoever, hath, in some acts, expressly imposed taxes on them, and in others, under various pretenses, but in fact for the purpose of raising a revenue, hath imposed rates and duties payable in these colonies, established a board of commissioners with unconstitutional powers, and extended the jurisdiction of courts of admiralty, not only for collecting the said duties, but for the trial of causes merely arising within the body of a county.

AND WHEREAS, In consequence of other statutes, judges, who before held only estates at will in their offices, have been made dependent on the Crown alone for their salaries, and standing armies kept in times of peace.

AND WHEREAS, It has lately been resolved in Parliament, that by force of a statute, made in the thirty-fifth year of the reign of King Henry the Eighth, colonists may be transported to England, and tried there upon accusations for treasons and misprisions, or concealments of treasons committed in the colonies, and by a late statute, such trials have been directed in cases therein mentioned

AND WHEREAS, In the last session of Parliament three statutes were made: one entitled "An act to discontinue, in such manner and for such time as are therein mentioned, the landing and discharging, lading or shipping of goods, wares and merchandise, at the town, and within the harbor of Boston, in the province of Massachusetts Bay, in North America"; another, entitled "An act for the better regulating the government of the province of Massachusetts Bay, in New England"; and another, entitled "An act for the impartial administration of justice, in the cases of persons questioned for any act done by them in the execution of the law, or for the suppression of riots and tumults, in the province of Massachusetts Bay, in New England"; and another statute was then made, "for making more effectual provision for the government of the province of Quebec, etc." All which statutes are impolitic, unjust and cruel, as well as unconstitutional, and most dangerous and destructive of American rights.

AND WHEREAS, Assemblies have been frequently dissolved, contrary to the rights of the people, when they attempted to deliberate on grievances; and their dutiful, humble, loyal, and reasonable petitions to the Crown for redress, have been repeatedly treated with contempt by his Majesty's ministers of state:

The good people of the several colonies of New Hampshire, Massachusetts Bay, Rhode Island and Providence Plantations, Connecticut, New York, New Jersey, Pennsylvania, New Castle, Kent and Sussex on Delaware, Maryland, Virginia, North Carolina, and South Carolina, justly alarmed at these arbitrary proceedings of parliament and Administration, have severally elected, constituted, and appointed deputies to meet, and sit in general congress, in the city of Philadelphia, in order to obtain such establishment, as that their religion, laws, and liberties may not be subverted. Whereupon, the deputies so appointed being now assembled, in a full and free representation of these colonies, taking into their most serious consideration the best means of attaining the ends aforesaid, do, in the first place, as Englishmen, their ancestors in like cases have usually done, for effecting and vindicating their rights and liberties, DECLARE:

That the inhabitants of the English colonies in North America, by the immutable laws of nature, the principles of the English Constitution, and the several charters or compacts, have the following RIGHTS:

Resolved, 1. That they are entitled to life, liberty, and property, and they have never ceded to any sovereign power whatever a right to dispose of either without their consent.

Resolved, 2. That our ancestors, who first settled these colonies, were at the time of their emigration from the mother country, entitled to all the rights, liberties, and immunities of free and natural-born subjects within the realm of England.

Resolved, 3. That by such emigration they by no means forfeited, surrendered, or lost any of those rights, but that they were, and their descendants now are, entitled to the exercise and enjoyment of all such of them, as their local and other circumstances enable them to exercise and enjoy.

Resolved, 4. That the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council: and as the English colonists are not represented, and from their local and other circumstances, can not properly be represented in the British Parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can

alone be preserved, in all cases of taxation and internal polity, subject only to the negative of their sovereign, in such manner as has heretofore been used and accustomed. But, from the necessity of the case, and a regard to the mutual interest of both countries, we cheerfully consent to the operation of such acts of the British Parliament, as are *bona fide*, restrained to the regulation of our external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, and the commercial benefits of its respective members: excluding every idea of taxation, internal or external, for raising a revenue on the subjects in America, without their consent.

Resolved, 5. That the respective colonies are entitled to the common law of England, and more especially to the great and inestimable privilege of being tried by their peers of the vicinage, according to the course of that law.

Resolved, 6. That they are entitled to the benefit of such of the English statutes, as existed at the time of their colonization; and which they have, by experience, respectively found to be applicable to their several local and other circumstances.

Resolved, 7. That these, his Majesty's colonies, are likewise entitled to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws.

Resolved, 8. That they have a right peaceably to assemble, consider their grievances, and petition the King; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal.

Resolved, 9. That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony, in which such army is kept, is against law.

Resolved, 10. It is indispensably necessary to good government, and rendered essential by the English constitution, that the constituent branches of the legislature be independent of each other; that, therefore, the exercise of legislative power in several colonies, by a council appointed during the pleasure of the Crown, is unconstitutional, dangerous, and destructive to the freedom of American legislation.

All, and each of which, the aforesaid deputies, in behalf of themselves, and their constituents, do claim, demand, and insist on, as their indubitable rights and liberties, which can not be legally taken from them, altered or abridged by any power whatever, without their own consent, by their representatives in their several provincial legislatures.

In the course of our inquiry, we find many infringements and violations of the foregoing rights, which, from an ardent desire that harmony and mutual intercourse of affection and interest may be restored, we pass over for the present, and proceed to state such acts and measures as have been adopted since the late war, which demonstrate a system formed to enslave America.

Resolved, That the following acts of Parliament are infringements and violations of the rights of the colonists; and that the repeal of them is essentially necessary in order to restore harmony between Great Britain and the American colonies, viz.:

The several acts of 4 Geo. III ch. 15, and ch. 34.—5 Geo. III ch. 25.—6 Geo. III ch. 52.—7 Geo. III ch. 41, and ch. 46.—8 Geo. III ch. 22, which impose duties for the purpose of raising a revenue in America, extend the power of the admiralty courts beyond their ancient limits, deprive the American subject of trial by jury, authorize the judges' certificate to indemnify the prosecutor from damages, that he might otherwise be liable to, requiring oppressive security from a claimant of ships and goods seized, before he shall be allowed to defend his property, and are subversive of American rights.

Also 12 Geo. III ch. 24, entitled "An act for the better securing his Majesty's dock yards, magazines, ships, ammunition and stores," which declares a new offense in America, and deprives the American subject of a constitutional trial by jury of the vicinage, by authorizing the trial of any person, charged with the committing any offense described in the said act, out of the realm, to be indicted and tried for the same in any shire or county within the realm.

Also the three acts passed in the last session of Parliament, for stopping the port and blocking up the harbor of Boston, for altering the charter and government of Massachusetts Bay and that which is entitled "An act for the better administration of justice," etc.

Also the act, passed in the same session, for establishing the Roman Catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law and government) of the neighboring British colonies, by the assistance of whose blood and treasure the said country was conquered from France.

Also the act, passed in the same session, for the better providing suitable quarters for officers and soldiers in his Majesty's service in North America.

Also, that the keeping a standing army in several of these colonies, in time of peace, without the consent of the legislature of that colony in which such army is kept, is against law.

To these grievous acts and measures Americans can not submit, but in hopes their fellow subjects in Great Britain will, on a revision of them, restore us to that state in which both countries found happiness and prosperity, we have, for the present, only resolved to pursue the following peaceable measures:

1. To enter into a non-importation, non-consumption, and non-exportation agreement or association.

2. To prepare an address to the people of Great Britain, and a memorial to the inhabitants of British America.

3. To prepare a loyal address to his Majesty, agreeable to resolutions already entered into.

THE DECLARATION OF INDEPENDENCE

(Adopted In Congress, July 4, 1776)

When, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident: that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that, to secure these rights, governments are instituted among men, deriving their just powers from the consent of the governed; that, whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute a new government, laying its foundation on such principles, and organizing its powers in such form as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate that governments long established should not be changed for light and transient causes; and, accordingly, all experience hath shown that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies, and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great Britain is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world:

1. He has refused his assent to laws the most wholesome and necessary for the public good.

2. He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained; and when so suspended, he has utterly neglected to attend to them.

3. He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature—a right inestimable to them, and formidable to tyrants only.

4. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

5. He has dissolved representative houses repeatedly for opposing, with manly firmness, his invasions on the rights of the people.

6. He has refused, for a long time after such dissolutions, to cause others to be elected, whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise; the state remaining, in the meantime, exposed to all the dangers of invasion from without and convulsions within.

7. He has endeavored to prevent the population of these states; for that purpose obstructing the laws for naturalization of foreigners; refusing to pass others to encourage their migration hither, and raising the conditions of new appropriations of lands.

8. He has obstructed the administration of justice by refusing his assent to laws for establishing judiciary powers.

9. He has made judges dependent on his will alone for the tenure of their offices and the amount and payment of their salaries.

10. He has erected a multitude of new offices, and sent hither swarms of officers to harass our people and eat out their substance.

11. He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

12. He has affected to render the military independent of, and superior to, the civil power.

13. He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws; giving his assent to their acts of pretended legislation;

14. For quartering large bodies of armed troops among us:

15. For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states;

16. For cutting off our trade with all parts of the world;

17. For imposing taxes on us without our consent;

18. For depriving us, in many cases, of the benefits of trial by jury;

19. For transporting us beyond seas to be tried for pretended offenses;

20. For abolishing the free system of English laws in a neighboring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies;

21. For taking away our charters, abolishing our most valuable laws, and altering, fundamentally, the forms of our governments;

22. For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

23. He has abdicated government here by declaring us out of his protection, and waging war against us.

24. He has plundered our seas, ravaged our coasts, burned our towns, and destroyed the lives of our people.

25. He is at this time transporting large armies of foreign mercenaries to complete the works of death, desolation, and tyranny, already begun, with circumstances of cruelty and perfidy scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

26. He has constrained our fellow citizens, taken captive on the high seas, to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

27. He has excited domestic insurrections among us, and has endeavored to bring on the inhabitants of our frontiers the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes, and conditions.

In every stage of these oppressions we have petitioned for redress in the most humble terms; our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts, by their legislature, to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them, by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connections and correspondence. They, too, have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them as we hold the rest of mankind—enemies in war; in peace, friends.

We, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, do, in the name and by the authority of the good people of these colonies, solemnly publish and declare that these united colonies are, and of right ought to be, free and independent states; that they are absolved from all allegiance to the British crown, and that all political connection between them and the state of Great Britain is, and ought to be, totally dissolved; and that, as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mut-

ually pledge to each other our lives, our fortunes, and our sacred honor.

JOHN HANCOCK.

New Hampshire.

JOSIAH BARTLETT,
WILLIAM WHIPPLE,
MATTHEW THORNTON.

Massachusetts Bay.

SAMUEL ADAMS,
JOHN ADAMS,
ROBERT TREAT PAINE,
ELBRIDGE GERRY.

New York.

WILLIAM FLOYD,
PHILIP LIVINGSTON,
FRANCIS LEWIS,
LEWIS MORRIS.

Rhode Island.

STEPHEN HOPKINS,
WILLIAM ELLERY.

Connecticut.

ROGER SHERMAN,
SAMUEL HUNTINGTON,
WILLIAM WILLIAMS,
OLIVER WOLCOTT.

Pennsylvania.

ROBERT MORRIS,
BENJAMIN RUSH,
BENJAMIN FRANKLIN,
JOHN MORTON,
GEORGE CLYMER,
JAMES SMITH,
GEORGE TAYLOR,
JAMES WILSON,
GEORGE ROSS.

Delaware.

CAESAR RODNEY,
GEORGE READ,
THOMAS M'KEAN.

Maryland.

SAMUEL CHASE,
WILLIAM PACA,
THOMAS STONE,
CHARLES CARROLL, of Carrollton.

New Jersey.

RICHARD STOCKTON,
JOHN WITHERSPOON,
FRANCIS HOPKINSON,
JOHN HART,
ABRAHAM CLARK.

Virginia.

GEORGE WYTHE,
RICHARD HENRY LEE,
THOMAS JEFFERSON,
BENJAMIN HARRISON,
THOMAS NELSON, JUN.,
FRANCIS LIGHTFOOT LEE,
CARTER BRAXTON.

North Carolina.

WILLIAM HOOPER,
JOSEPH HEWES,
JOHN PENN.

South Carolina.

EDWARD RUTLEDGE,
THOMAS HEYWARD, JUN.,
THOMAS LYNCH, JUN.,
ARTHUR MIDDLETON.

Georgia.

BUTTON GWINNETT,
LYMAN HALL,
GEORGE WALTON.

ARTICLES OF CONFEDERATION.

To all to whom these presents shall come, we the undersigned delegates of the states affixed to our names, send greeting:

WHEREAS, The delegates of the United States of America, in Congress assembled, did, on the 15th day of November, in the year of our Lord 1777, and in the second year of the Independence of America, agree to certain Articles of Confederation and perpetual union between the states of New Hampshire, Massachusetts Bay, Rhode Island and Providence plantations, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia, in the words following, viz.:

ARTICLES OF CONFEDERATION AND PERPETUAL UNION BETWEEN THE STATES OF NEW HAMPSHIRE, MASSACHUSETTS BAY, RHODE ISLAND AND PROVIDENCE PLANTATIONS, CONNECTICUT, NEW YORK, NEW JERSEY, PENNSYLVANIA, DELAWARE, MARYLAND, VIRGINIA, NORTH CAROLINA, SOUTH CAROLINA AND GEORGIA.

ARTICLE I. The style of this Confederacy shall be "The United States of America."

ART. II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this Confederation expressly delegated to the United States in Congress assembled.

ART. III. The said states hereby severally enter into a firm league of friendship with each other for their common defense, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretense whatever.

ART. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different States of this Union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof

respectively; *provided*, that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; *provided also*, that no imposition, duties or restriction shall be laid by any state on the property of the United States, or either of them.

If any person guilty of or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the United States, he shall, upon demand of the governor or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offense.

Full faith and credit shall be given in each of these states to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. V. For the more convenient management of the general interests of the United States, delegates shall be annually appointed, in such manner as the legislature of each state shall direct, to meet in Congress, on the first Monday in November in every year, with a power reserved to each state to recall its delegates, or any of them, at any time within the year, and to send others in their stead for the remainder of the year.

No state shall be represented in Congress by less than two, nor by more than seven members; and no person shall be capable of being a delegate for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office under the United States, for which he, or another for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the United States, in Congress assembled each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court, or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments during the time of their going to and from, and attendance on Congress, except for treason, felony, or breach of the peace.

ART. VI. No state, without the consent of the United States, in Congress assembled, shall send any embassy to, or receive any

embassy from, or enter into any conference, agreement, alliance, or treaty with any king, prince, or state; nor shall any person holding any office of profit or trust under the United States, or any of them, accept of any present, emolument, office, or title of any kind whatever from any king, prince, or foreign state; nor shall the United States in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the United States, in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the United States, in Congress assembled, with any king, prince, or state, in pursuance of any treaties already proposed by Congress to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the United States, in Congress assembled, for the defense of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the United States, in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defense of such state; but every state shall always keep up a well regulated and disciplined militia, sufficiently armed and accoutered, and shall provide and have constantly ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition and cap equipage.

No state shall engage in any war without the consent of the United States, in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the United States, in Congress assembled, can be consulted. Nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the United States, in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which war has been so declared; and under such regulations as shall be established by the United States, in Congress assembled; unless such state

be infested by pirates, in which case vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or until the United States, in Congress assembled, shall determine otherwise.

ART. VII. When land forces are raised by any state for the common defense, all officers of or under the rank of colonel shall be appointed by the Legislature of each state, respectively, by whom such forces shall be raised, or in such manner as such state shall direct, and all vacancies shall be filled up by the state which first made the appointment.

ART. VIII. All charges of war, and all other expenses that shall be incurred for the common defense or general welfare, and allowed by the United States, in Congress assembled, shall be defrayed out of the common treasury, which shall be supplied by the several states, in proportion to the value of all land within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States, in Congress assembled, shall, from time to time, direct and appoint. The taxes for paying that proportion shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the United States, in Congress assembled.

ART. IX. The United States, in Congress assembled, shall have the sole and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article; of sending and receiving ambassadors; entering into treaties and alliances; *provided*, that no treaty of commerce shall be made whereby the legislative power of the respective states shall be restrained from imposing such imposts and duties on foreigners, as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities whatsoever; of establishing rules for deciding, in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the United States shall be divided or appropriated; of granting letters of marque and reprisal in times of peace; appointing courts for the trial of piracies and felon committed on the high seas, and establishing courts for receiv and determining finally appeals in all cases of captures; *vided*, that no member of Congress shall be appointed a j of any of the said courts.

The United States, in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting, or that hereafter may arise, between two or more states concerning boundary, jurisdiction, or any other cause whatever; which authority shall always be exercised in the manner following: Whenever the legislative or executive authority, or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given, by order of Congress, to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name three persons out of each of the United States, and from the list of such persons each party shall alternately strike out one, the petitioners beginning, until the number shall be reduced to thirteen; and from that number not less than seven nor more than nine names, as Congress shall direct, shall, in the presence of Congress, be drawn out by lot, and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges to hear and finally determine the controversy, so always as a major part of the judges who shall hear the cause shall agree in the determination; and if either party shall neglect to attend at the day appointed, without showing reasons, which Congress shall judge sufficient, or being present shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the Secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall, nevertheless, proceed to pronounce sentence or judgment, which shall in like manner be final and decisive, the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress for the security of the parties concerned; *provided*, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the Judges of the Supreme or Superior Court of the state where the cause shall be tried, "well and truly to hear and

determine the matter in question, according to the best of his judgment, without favor, affection, or hope of reward"; *provided, also,* that no state shall be deprived of territory for the benefit of the United States.

All controversies concerning the private right of soil claimed under different grants of two or more states, whose jurisdictions as they may respect such lands, and the states which passed such grants, are adjusted, the said grants, or either of them, being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the United States, be finally determined as near as may be in the same manner as is before described for deciding disputes respecting territorial jurisdiction between different states.

The United States, in Congress assembled, shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective states; fixing the standard of weights and measures throughout the United States; regulating the trade, and managing all affairs with the Indians, not members of any of the states; *provided,* that the legislative right of any state, within its own limits, be not infringed or violated; establishing and regulating post offices from one state to another, throughout all the United States, and exacting such postage on the papers passing through the same as may be requisite to defray the expenses of the said office; appointing all officers of the land forces in the service of the United States, excepting regimental officers; appointing all the officers of the naval forces, and commissioning all officers whatever in the service of the United States; making rules for the government and regulation of the said land and naval forces, and directing their operations.

The United States, in Congress assembled, shall have authority to appoint a committee, to sit in the recess of Congress, to be denominated a "Committee of the States," and to consist of one delegate from each state; and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the United States under their direction; to appoint one of their number to preside; *provided,* that no person be allowed to serve in the office of president more than one year in any term of three years; to ascertain the necessary sums of money to be raised for the service of the United States, and to appropriate and apply the same for defraying the public

expenses; to borrow money or emit bills on the credit of the United States, transmitting every half year to the respective states on account of the sums of money so borrowed or emitted; to build and equip a navy; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state, which requisition shall be binding, and thereupon the Legislature of each state shall appoint the regimental officers, raise the men, and clothe, arm and equip them in a soldier-like manner, at the expense of the United States; and the officers and men so clothed, armed and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled. But if the United States, in Congress assembled, shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, clothed, armed, and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same, in which case they shall raise, officer, clothe, arm, and equip as many of such extra number as they judge can be safely spared. And the officers and men so clothed, armed, and equipped shall march to the place appointed, and within the time agreed on by the United States, in Congress assembled.

The United States, in Congress assembled, shall never engage in a war, nor grant letters of marque and reprisal in time of peace, nor enter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expenses necessary for the defense and welfare of the United States, or any of them, nor emit bills, nor borrow money on the credit of the United States, nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander-in-chief of the army or navy unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the United States, in Congress assembled.

The Congress of the United States shall have power to adjourn to any time within the year, and to any place within the United

States, so that no period of adjournment be for a longer duration than the space of six months; and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances, or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question shall be entered on the journal, when it is desired by any delegate; and the delegates of a state, or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislatures of the several states.

ART. X. The Committee of the States, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States, in Congress assembled, by the consent of nine states, shall, from time to time, think expedient to vest them with; *provided*, that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite.

ART. XI. Canada acceding to this Confederation, and joining in the measures of the United States, shall be admitted into, and entitled to all the advantages of this Union; but no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. XII. All bills of credit emitted, moneys borrowed and debts contracted by or under the authority of Congress, before the assembling of the United States, in pursuance of the present Confederation, shall be deemed and considered as a charge against the United States, for payment and satisfaction whereof the said United States and the public faith are hereby solemnly pledged.

ART. XIII. Every state shall abide by the determinations of the United States, in Congress assembled, on all questions which by this Confederation are submitted to them. And the Articles of this Confederation shall be inviolably observed by every state, and the Union shall be perpetual; nor shall any alteration at any time hereafter be made in any of them, unless such alteration be agreed to in a Congress of the United States, and be afterwards confirmed by the legislature of every state.

AND WHEREAS, It hath pleased the Great Governor of the world to incline the hearts of the legislatures we respectively represent in Congress, to approve of, and to authorize us to

ratify the said Articles of Confederation and perpetual Union. Know ye that we, the undersigned delegates, by virtue of the power and authority to us given for that purpose, do by these presents, in the name and in behalf of our respective constituents, fully and entirely ratify and confirm each and every of the said Articles of Confederation and perpetual Union, and all and singular the matters and things therein contained.

And we do further solemnly plight and engage the faith of our respective constituents, that they shall abide by the determinations of the United States, in Congress assembled, on all questions which by the said Confederation are submitted to them; and that the articles thereof shall be inviolably observed by the states we respectively represent, and that the Union shall be perpetual.

In witness whereof, we have hereunto set our hands in Congress. Done at Philadelphia, in the State of Pennsylvania, the 9th day of July, in the year of our Lord, 1778, and in the 3d year of the Independence of America.

JOSIAH BARTLETT,	JOHN WENTWORTH, JR., Aug. 8, 1778.	On the part and behalf of the State of New Hampshire.
JOHN HANCOCK, SAMUEL ADAMS, ELBRIDGE GERRY,	FRANCIS DANA, JAMES LOVELL, SAMUEL HOLTON,	On the part and behalf of the State of Massachusetts Bay.
WILLIAM ELLERY, HENRY MARCHANT,	JOHN COLLINS,	On the part and behalf of the State of Rhode Island and Providence Plantations.
ROGER SHERMAN, SAM'L HUNTINGTON, OLIVER WOLCOTT,	TITUS HOSMER, ANDREW ADAM,	On the part and behalf of the State of Connecticut.
JAMES DUANE, FRANCIS LEWIS,	WILLIAM DUER, GOUVERNEUR MORRIS.	On the part and behalf of the State of New York.
JOHN WITHERSPOON,	NATHANIEL SCUDDER,	On the part and behalf of the State of New Jersey, November 26, 1778.
ROBERT MORRIS, DANIEL ROBERDEAU, J. BAYARD SMITH,	WILLIAM CLINGAN, JOSEPH REED, July 22, 1778.	On the part and behalf of the State of Pennsylvania.
THOMAS MCKEAN, Feb. 12, 1779. NICHOLAS VANDYKE	JOHN DICKINSON. May 5, 1779.	On the part and behalf of the State of Delaware.

JOHN HANSON, March 1, 1781.	DANIEL CARROLL, March 1, 1781.	On the part and behalf of the State of Maryland.
RICHARD HENRY LEE, JOHN BANISTER, THOMAS ADAMS,	JOHN HARVIE, F. LIGHTFOOT LEE,	On the part and behalf of the State of Virginia.
JOHN PENN, July 21, 1778.	CORNELIUS HARNETT, JOHN WILLIAMS,	On the part and behalf of the State of North Carolina.
HENRY LAURENS, WM HENRY DRAYTON JOHN MATTHEWS,	RICHARD HUTSON, THOS. HEYWARD, JR.,	On the part and behalf of the State of South Carolina.
JOHN WALTON, July 24, 1778.	EDWARD TELFAIR, EDW'D LANGWORTHY,	On the part and behalf of the State of Georgia.

The Articles of Confederation were ratified by the States as follows:

South Carolina	Feb. 5, 1778	Massachusetts	Mar. 10, 1778
New York	Feb. 6, 1778	North Carolina	April 5, 1778
Rhode Island	Feb. 9, 1778	New Jersey	Nov. 19, 1778
Connecticut	Feb. 12, 1778	Virginia	Dec. 15, 1778
Georgia	Feb. 26, 1778	Delaware	Feb. 1, 1779
New Hampshire	Mar. 4, 1778	Maryland	Jan. 30, 1781
Pennsylvania	Mar. 5, 1778		

The ratification by all the States was formally announced to the public March 1, 1781.

CONSTITUTION OF THE UNITED STATES.

PREAMBLE.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

ARTICLE I.

LEGISLATIVE DEPARTMENT.

Congress.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

HOUSE OF REPRESENTATIVES.

Election of Representatives.

SEC. 2. 1. The House of Representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

Qualifications of Representatives.

2. No person shall be a Representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Apportionment of Representatives.

3. [Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each state shall have

at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.]

This clause has been superseded, so far as it relates to representation, by section 2 of the Fourteenth Amendment to the Constitution.

Vacancies.

4. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

Officers of the House.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

THE SENATE.

Number of Senators.

SEC. 3. 1. The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures. [Proposed by Sixty-second Congress, second session; proclaimed May 31, 1913]

Original text.—SEC. 3. 1. The Senate of the United States shall be composed of two Senators from each state, chosen by the legislature thereof, for six years, and each Senator shall have one vote.

Classification of Senators—Vacancies.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year. When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies; *provided*, that the legislature of any state may empower the executive thereof to make temporary appointments

until the people fill the vacancies by election as the legislature may direct. This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution. [*Proposed by Sixty-second Congress, second session; proclaimed May 31, 1913*]

Original text.—2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one third may be chosen every second year; and if vacancies happen, by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

Qualifications of Senators.

3. No person shall be a Senator who shall not have attained the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of the state for which he shall be chosen.

President of Senate.

4. The Vice-President of the United States shall be President of the Senate, but shall have no voice unless they shall be equally divided.

Officers of Senate.

5. The Senate shall choose their officers, and have a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Trial of Impeachment.

6. The Senate shall have the sole power to try all impeachments; when sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two thirds of the members present.

Judgment in cases of Impeachment.

7. Judgment in cases of impeachment shall not extend further than to removal from office and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment according to law.

ELECTION OF SENATORS AND REPRESENTATIVES—MEETINGS OF CONGRESS.

Election of members of Congress.

SEC. 4. 1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

Congress to meet annually.

2. The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

POWERS AND DUTIES OF EACH HOUSE OF CONGRESS.

Sole judge of qualifications of members.

SEC. 5. 1. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Rules of proceedings—Punishment of members.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member.

Journals.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the ayes and noes of the members of either house, on any question, shall, at the desire of one fifth of those present, be entered on the journal.

Adjournment.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

COMPENSATION, PRIVILEGES AND DISABILITIES, OF SENATORS AND REPRESENTATIVES.

Compensation—Privileges.

SEC. 6. 1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and

paid out of the treasury of the United States. They shall, in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Disability to hold other offices.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased, during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office. [See also Section 3 of the Fourteenth Amendment]

MODE OF PASSING LAWS.

Special provision as to revenue laws.

SEC. 7. 1. All bills for raising revenue shall originate in the House of Representatives, but the Senate may propose or concur with amendments as on other bills.

Laws, how enacted.

2. Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States; if he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by ayes and noes; and the names of the persons voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Same rules apply to resolutions.

3. Every order, resolution, or vote, to which the concurrence of the Senate and the House of Representatives may be necessary

(except on a question of adjournment), shall be presented to the President of the United States; and, before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

POWERS GRANTED TO CONGRESS.

Taxation.

SEC. 8. 1. The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

Loans.

2. To borrow money on the credit of the United States.

Commerce.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

Naturalization and bankruptcies.

4. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.

Coin.

5. To coin money, regulate the value thereof and of foreign coins, and fix the standard of weights and measures.

Counterfeiting.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

Post office.

7. To establish post offices and post roads.

Patents and copyrights.

8. To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.

Courts.

9. To constitute tribunals inferior to the Supreme Court.

Piracies.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the laws of nations.

War.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

Army.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

Navy.

13. To provide and maintain a navy.

Military and navy rules.

14. To make rules for the government and regulation of the land and naval forces.

Militia.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

Militia.

16. To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states, respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

Federal district and other places.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

Make laws to carry out foregoing powers.

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof. [For other powers, see Article II, Section 1; Article III, Sections 2 and 3; Article IV, Sections 1-3; and Article V]

LIMITATIONS ON POWERS GRANTED TO THE UNITED STATES.

Slave trade.

SEC. 9. 1. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by Congress prior to the year one thousand eight hundred and eight; but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

Habeas corpus.

2. The privilege of the writ of habeas corpus shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

Ex post facto law.

3. No bill of attainder or ex post facto law shall be passed.

Direct taxes.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

Duties on exports.

5. No tax or duty shall be laid on articles exported from any State.

No commercial discrimination to be made between states.

6. No preference shall be given, by any regulation of commerce or revenue, to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

Money, how drawn from treasury.

7. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

Titles of nobility.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

POWERS PROHIBITED TO THE STATES.

SEC. 10. 1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any impost or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

ARTICLE II.

EXECUTIVE DEPARTMENT

Executive power vested in President—Term of office.

SECTION 1. 1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and together with the Vice-President chosen for the same term, be elected as follows:

Appointment and number of Presidential Electors.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of Electors equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an Elector.

Mode of electing President and Vice-President.

3. [The Electors shall meet in their respective States and vote, by ballot, for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of Electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list, the said house shall, in like manner, choose the President. But in choosing the President the vote shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the

States, and a majority of all the States shall be necessary to a choice. In every case after the choice of the President, the person having the greatest number of votes of the Electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them, by ballot, the Vice-President.]

This clause has been superseded by the Twelfth Amendment to the Constitution.

Time of choosing Electors and casting Electoral vote.

4. The Congress may determine the time of choosing the Electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

Qualifications of President.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

[See also Article II, Section 1, and Fourteenth Amendment]

Presidential succession.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

NOTE.—Agreeably with the powers conferred by Clause 6, Section 1, Article II, of the Constitution, Congress in 1886 provided for the succession to the Presidency in case of the removal, death, resignation, or inability of the President or Vice-President by directing that the office devolve first upon the Secretary of State, and in case of his inability, for any reason, to perform its duties, it should pass, successively, upon similar conditions, to the Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. If, however, any one of these officers should be of foreign birth, the Presidency passes to the next named in the list.

Salary of President.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he

shall not receive within that period any other emolument from the United States or any of them.

Oath of office of President.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation: "I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

POWERS OF PRESIDENT.

Commander-in-chief.

SEC. 2. 1. The President shall be commander-in-chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

Treaties and appointments.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two thirds of the Senators present concur; and he shall nominate, and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law; but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Filling vacancies.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

FURTHER POWERS OF PRESIDENT.

Message to Congress—Adjourn and call special session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both

houses, or either of them, and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

[See also Article I, Section 5]

Impeachment of President and other officers.

SEC. 4. The President, Vice-President, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

[See also Article I, Sections 2 and 3]

ARTICLE III.

JUDICIAL DEPARTMENT.

Courts—Terms of office and salary of judges.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

[See also Eleventh Amendment]

JURISDICTION OF UNITED STATES COURTS.

Cases that may come before United States courts.

SEC. 2. 1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states; and between a state, or the citizens thereof, and foreign states, citizens or subjects.

Jurisdiction of supreme and appellate courts.

2. In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the

Supreme Court shall have original jurisdiction. In all the other cases before mentioned the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

Trial of crimes.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be put at such place or places as the Congress may, by law, have directed.

[See also Fifth, Sixth, Seventh, and Eighth Amendments]

TREASON.

Treason defined.

SEC. 3. 1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort.

Conviction.

2. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Punishment.

3. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

THE STATES AND THE FEDERAL GOVERNMENT.

State records.

SECTION 1. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

[See also Fourteenth Amendment]

Interstate privileges of citizens.

SEC. 2. 1. The citizens of each state shall be entitled to all the privileges and immunities of citizens in the several states.

Fugitives from justice.

2. A person charged in any state with treason, felony, or other crime, who shall flee from justice and be found in another

state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

Fugitives from service.

3. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

Admission of new States.

SEC. 3. 1. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of Congress.

Control of the property and territory of the Union.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular state.

Republican government guaranteed.

SEC. 4. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion; and, on application of the legislature, or of the executive (when the legislature can not be convened), against domestic violence.

ARTICLE V.

AMENDMENTS.

Amendments, how proposed and adopted.

SECTION 1. The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid, to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the

year one thousand eight hundred and eight shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

PROMISCUOUS PROVISIONS.

The public debt.

SECTION 1. 1. All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

[See also Fourteenth Amendment, Section 4]

Supreme law of the land.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every state shall be bound thereby, anything in the Constitution or laws of any state to the contrary notwithstanding.

Oath of office and religious test.

3. The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound, by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

RATIFICATION OF CONSTITUTION.

SECTION 1. The ratification of the conventions of nine states shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

DONE in convention, by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth. In witness whereof, we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

NEW HAMPSHIRE.
JOHN LANGDON,
NICHOLAS GILMAN.

MASSACHUSETTS.
NATHANIEL GORHAM,
RUFUS KING,

NEW JERSEY.
WILLIAM LIVINGSTON,
DAVID BREARLY,
WILLIAM PATTERSON,
JONATHAN DAYTON.

PENNSYLVANIA.
BENJAMIN FRANKLIN,
THOMAS MIFFLIN,
ROBERT MORRIS,
GEORGE CLYMER,
THOMAS FITZSIMMONS,
JARED INGERSOLL,
JAMES WILSON,
GOUVERNEUR MORRIS.

DELAWARE.
GEORGE READ,
GUNNING BEDFORD, JR.,
JOHN DICKINSON,
RICHARD BASSETT,
JACOB BROOM.

CONNECTICUT.
WILLIAM SAMUEL JOHNSON,
ROGER SHERMAN.

NEW YORK.
ALEXANDER HAMILTON.

MARYLAND.
JAMES MCHENRY,
DANIEL OF ST. TH. JENIFER,
DANIEL CARROLL.

VIRGINIA.
JOHN BLAIR,
JAMES MADISON, JR.

NORTH CAROLINA.
WILLIAM BLOUNT,
RICHARD DOBBS SPAIGHT,
HUGH WILLIAMSON.

SOUTH CAROLINA.
JOHN RUTLEDGE,
CHARLES C. PINCKNEY,
CHARLES PINCKNEY,
PIERCE BUTLER.

GEORGIA.
WILLIAM FEW,
ABRAHAM BALDWIN.

Attest: WILLIAM JACKSON, Secretary.

AMENDMENTS.

ARTICLE I.

RESTRICTIONS ON POWERS OF CONGRESS.

SECTION 1. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances. [*Proposed September 25, 1789; ratified December 15, 1791*]

ARTICLE II.

RIGHT TO BEAR ARMS.

SECTION 1. A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.—[*Id.*]

ARTICLE III.

BILLETING OF SOLDIERS.

SECTION 1. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.—[*Id.*]

ARTICLE IV.

SEIZURES, SEARCHES, AND WARRANTS.

SECTION 1. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon reasonable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or things to be seized.—[*Id.*]

ARTICLE V.

CRIMINAL PROCEEDINGS AND CONDEMNATION OF PROPERTY.

SECTION 1. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the

same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.—[*Id.*]

ARTICLE VI.

MODE OF TRIAL IN CRIMINAL PROCEEDINGS.

SECTION 1. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense. —[*Id.*]

ARTICLE VII.

TRIAL BY JURY.

SECTION 1. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact, tried by jury, shall be otherwise reexamined in any court of the United States than according to the rules of common law.—[*Id.*]

ARTICLE VIII.

BAILS—FINES—PUNISHMENTS.

SECTION 1. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.—[*Id.*]

ARTICLE IX.

CERTAIN RIGHTS NOT DENIED TO THE PEOPLE.

SECTION 1. The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.—[*Id.*]

ARTICLE X.

STATE RIGHTS.

SECTION 1. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.—[*Id.*]

ARTICLE XI.

JUDICIAL POWERS.

SECTION 1. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by the citizens of another State, or by citizens or subjects of any foreign State.—[*Proposed March 5, 1794; ratified January 8, 1798*]

ARTICLE XII.

ELECTION OF PRESIDENT AND VICE-PRESIDENT.

SECTION 1. The electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit, sealed, to the seat of the government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such a number be a majority of the whole number of electors appointed; and if no person have such a majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no

person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States. [*Proposed December 12, 1803; ratified September 25, 1804*]

ARTICLE XIII.

SLAVERY.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation. [*Declared ratified December 18, 1865. (U. S. Statutes at Large, Vol. 13, p. 775)*]

ARTICLE XIV.

CITIZENSHIP, REPRESENTATION, AND PAYMENT OF PUBLIC DEBT.

Citizenship.

SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

Apportionment of Representatives.

SEC. 2. Representatives shall be apportioned among the several States, according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime,

the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Disqualification for public office.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two thirds of each house, remove such disability.

Public debt, guarantee of.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Power of Congress.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article. [*Declared ratified July 28, 1868. (U. S. Statutes at Large, Vol. 15, pp. 709–711)*]

ARTICLE XV.

ELECTIVE FRANCHISE.

Right of citizens to vote.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

Power of Congress.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation. [*U. S. Statutes at Large, Vol. 15, p. 346*]

ARTICLE XVI.

Income tax—Congress given power to lay and collect.

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration. [*Proposed July 12, 1909; in effect February 25, 1913*]

NOTE.—A further amendment provides for the election of senators by the people. See Art. I, Sec 3, p. 307. The joint resolution by which the Congress of the United States, at the second session, sixty-second Congress, in the year one thousand nine hundred and twelve, proposed the amendment was in the following words:

"*Resolved*, by the Senate and House of Representatives of the United States of America in Congress assembled (two thirds of each House concurring therein), that in lieu of the first paragraph of section three of Article I of the Constitution of the United States, and in lieu of so much of paragraph two of the same section as relates to the filling of vacancies, the following be proposed as an amendment to the Constitution, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three fourths of the States:

" 'The Senate of the United States shall be composed of two Senators from each state, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.

" 'When vacancies happen in the representation of any state in the Senate, the executive authority of such state shall issue writs of election to fill such vacancies; *provided*, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

" 'This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.' "

GENERAL INDEX.

	PAGE
ADMISSION, ACT OF	17
AMENDMENTS, SUMMARY OF	240
AMERICAN FLAG	5
ARTICLES OF CONFEDERATION	296
CALIFORNIA, act admitting State of, into Union	17
CONFEDERATION, ARTICLES OF	296
CONSTITUTION OF CALIFORNIA (1849)	207
CONSTITUTION OF CALIFORNIA (1879)	18
CONSTITUTION OF UNITED STATES	306
DECLARATION OF RIGHTS (A. D. 1765)	284
DECLARATION OF RIGHTS (A. D. 1774)	286
DECLARATION OF INDEPENDENCE (A. D. 1776)	291
FLAG, THE	5
FLAG, THE NATIONAL	7
FLAG, CHRONICLES OF THE	13
FLAG, PROTECTION OF THE	15
FLAG, THE STATE	16
FLAGS OF REVOLUTIONARY AND COLONIAL TIMES	5
FLAGS, NAVY AND ARMY REGULATIONS RESPECTING	10
MAGNA CHARTA (in Latin and English)	260
MEMBERS OF CONSTITUTIONAL CONVENTION, 1879	188
TREATY WITH MEXICO (1848)	190

INDEX TO CALIFORNIA CONSTITUTION.

	ART.	SEC.	PAGE
ACCIDENTS, INDUSTRIAL, employers' liability for	20	21	177
ACCUSED, rights of	1	13	22
ACTIONS, pending, unaffected by adoption of constitution	22	2	179
ACTS, amending of	4	24	47
embrace but one subject	4	24	47
ADJOURNMENT of legislature	4	14	40
	5	11	59
ALAMEDA, aid to P. P. I. E.	11	18	134
ALIENS, protection against undesirable persons	19	1	171
rights of	1	17	25
ineligible to citizenship, immigration discouraged	19	4	172
AMENDING AND REVISING CONSTITUTION	18	--	170
AMENDMENTS, of charters of cities and counties	11	7½	95
to constitution, how made	18	1	170
to constitution, on ratification, become part of	18	1	170
APPELLATE COURT, districts	6	4	65
jurisdiction of	6	4	65
APPROPRIATION BILL, to contain but one item	4	34	56
APPROPRIATIONS, what general appropriation shall contain	4	29	53
how made; how drawn	4	22	43
ARREST, members privileged from, when	4	11	39
ASSEMBLY, election and term of members of	4	3	37
ASSEMBLY AND SENATORIAL DISTRICTS	4	6	38
ASSEMBLYMEN, number of	4	5	38
ASSESSMENT, property where assessed	13	10	159
land and improvements to be separately assessed	13	2	156
of tracts of land sectionized by United States government	13	3	156
ASSESSOR, COUNTY, taxpayer to make statement to	13	8	158
BAIL, excessive, not allowed	1	6	20
BALLOT, secrecy in	2	5	30
BANKING BUSINESS, regulation of	12	5	140
BILLS OF ATTAINDER, *ex post facto* laws, obligations of contracts	1	16	24
BILLS, approval of by governor, veto power	4	16	41
general appropriation, what to contain	4	29	53
how passed	4	15	40
BOARD OF EDUCATION, state; county	9	7	84
BOARDS OF EQUALIZATION, state and county	13	9	159
BOARD OF HEALTH, state	20	14	175
BONDS, state, county, city and district, exempt from taxation	13	1¾	155
county and municipal, payable within or without the U. S.	11	13½	131
BOUNDARY	21	1	178

	ART.	SEC.	PAGE
BUCKETING, prohibited	4	26	52
BRIBERY, disqualification for	20	10	174
punishment for	4	35	56
CALIFORNIA, a part of the Union	1	3	19
CALIFORNIA ACADEMY OF SCIENCES	9	12	88
CALIFORNIA SCHOOL OF MECHANICAL ARTS	9	11	88
CAPITAL OF STATE	20	1	172
CHARGE TO JURIES	6	19	78
CHARTERS, existing, invalid in certain cases	12	6	140
CHARTERS OF CITIES, amendment to, how made	11	8	103
borough system of government	11	8	106
cities which may frame charters	11	8	103
duty of freeholders to prepare charter	11	8	103
special election called by council	11	8	104
what may provide	11	8½	118
CHARTERS OF COUNTIES, amendments to, how made	11	7½	95
county charters	11	7½	95
duty of freeholders	11	7½	95
what charters may provide	11	7½	95
laws superseded by charter	11	7½	102
special elections called	11	7½	103
surrender of charter	11	7½	103
CHARTERS OR FRANCHISES, not to be extended nor forfeiture remitted by legislature	12	7	140
CHINESE, not to be employed on public works	19	3	171
not to be employed by corporations	19	2	171
CHINESE IMMIGRATION, to be discouraged	19	4	172
CHURCHES, exemption from taxation	13	1½	155
CIVIL, power supreme	1	12	22
CITY AND COUNTY GOVERNMENTS, consolidation of	11	7	94
CITY AND COUNTY OF SAN FRANCISCO, charter of	11	8a	116
CLERKS OF COURTS, Court commissioners	6	14	76
CLERKS OF SUPREME COURT and district courts of appeal, how appointed	6	21	79
COGSWELL POLYTECHNIC COLLEGE	9	13	88
COMMISSION. See *Supreme Court.*			
COMMISSIONS AND GRANTS, how issued and form of	5	14	59
COMMON CARRIERS, declaration as to what are	12	17	144
COMMON SCHOOLS, system of, provided	9	5	83
COMPENSATION, extra, prohibited	4	32	55
COMPENSATION OF PUBLIC OFFICIALS, not to be increased, when	11	9	129
CONGRESSIONAL DISTRICTS, formation	4	27	52
CONSCIENCE, liberty of	1	4	19
licentiousness, not excused by	1	4	19
CONSTITUTION, amendments, how made	18	1	170
amendments to, on ratification by people become part of	18	1	170

	ART.	SEC.	PAGE
CONSTITUTION—Continued.			
ballots for voting on	22	5	180
mandatory	1	22	26
revision of, convention for	18	2	170
submission of amendments to	18	1	170
who entitled to vote for adoption or rejection of	22	7	181
1879, county clerks to provide books, etc.	22	6	181
election for, computation of returns and proclamation thereof	22	9	182
printing of and proclamation therefor	22	4	180
returns, how canvassed	22	8	181
terms of officers first elected after adoption of	22	10	182
when to take effect	22	12	182
U. S. Constitution, supreme law	1	3	19
CONSTITUTIONAL CONVENTIONS, expenses of	20	19	177
CONTRACTS, impairing obligation of, prohibited	1	16	24
CONVICT LABOR, shall not be let out by contract	10	6	90
CORPORATIONS	12	--	138
books, kept at office for inspection	12	14	143
charters, existing, invalid in certain cases	12	6	140
dues from	12	2	139
election for directors	12	12	142
how formed	12	1	138
issuance of stock of	12	11	142
legislature to pass laws to enforce article	12	24	152
liability of directors and stockholders of	12	3	139
liabilities not released by transfer of franchise	12	10	142
limit on interest of an officer or agent	12	18	144
limitation on business of	12	9	141
may be sued, where	12	16	143
must maintain a place of business	12	14	143
real estate, term or holding	12	9	141
regulation of charges of	4	33	55
state credit not to be loaned	12	13	143
what term includes	12	4	140
CORPORATE EXISTENCE, extension of	12	7	140
CORPORATE PROPERTY, subject to exercise of right of eminent domain	12	8	141
COUNTIES, existing recognized	11	1	90
new, formation of	11	3	90
consolidation of city and county government	11	7	94
COUNTIES, CITIES, AND TOWNS	11	--	90
COUNTY AND TOWNSHIP GOVERNMENTS, legislature shall establish system of	11	4	91
COUNTY AND TOWNSHIP OFFICERS, compensation of	11	5	91
COUNTY SEAT, removal of	11	2	90
COUNTY SUPERINTENDENT OF SCHOOLS, election of	9	3	82
COURTS, certain of them abolished by adoption of constitution, 1879	22	3	179
COURTS, inferior, legislature to provide	6	11	75
See name of particular court.			

	ART.	SEC.	PAGE
COURTS OF RECORD, what shall be	6	12	75
COURT REPORTERS, how appointed	6	21	79
CREDIT OF STATE, not to be loaned	12	13	143
	4	31	54
CRIMINAL TRIALS, rights of accused	1	13	22
depositions in	1	13	22
CRUEL PUNISHMENT, not allowed	1	6	20
DEBT, not to exceed annual income, exceptions	11	18	133
imprisonment for, prohibited	1	15	24
DECLARATION OF RIGHTS. See *Rights, Declaration of.*			
DEPARTMENTS OF STATE GOVERNMENT, number and distribution of power	3	1	30
DEPOSITARIES, legal	11	16½	132
DIRECTORS OF CORPORATIONS, election of	12	12	142
DISCRIMINATION BY RAILROADS, and other transportation companies forbidden	12	21	145
DISTRICT COURTS OF APPEAL, clerks of, how appointed	6	21	79
opinions, publication of	6	16	77
DISTRICTS, appellate court	6	4	65
congressional, formation of	4	27	52
fish and game	4	25½	52
senatorial and assembly	4	6	38
DUELING, disfranchisement and disqualification for	20	2	172
due process of law	1	13	22
EDUCATION	9	--	82
encouragement of	9	1	82
ELECTIONS, by the legislature, manner of voting	4	28	53
corrupt practices in	20	11	174
plurality of votes given shall constitute choice, exceptions	20	13	174
electors, privileges of	1	2	28
electors [see military duty; also residence] of senators and qualifications of members of legislature	4	4	38
to be by ballot or otherwise	2	5	30
when held, terms of office	20	20	177
EMBEZZLERS, not eligible to office	4	21	43
EMERGENCY MEASURES. See *Urgency.*			
EMINENT DOMAIN, corporate property subject to railroad commission's power to fix compensation in certain cases	12	8	141
	12	23*a*	152
taking of private property for public use	1	14	23
EMPLOYERS' LIABILITY, for industrial accidents	20	21	177
EXECUTIVE DEPARTMENT, executive power vested in governor	5	1	57
EXECUTIVE STATE OFFICERS	5	17	60
EXEMPTION, from taxation, personal property	13	10½	160
soldiers and sailors, etc., to amount of $1,000	13	1¼	155
churches. See *Taxation*	13	1¼	155
EX POST FACTO LAWS, shall never be passed	1	16	24

	ART.	SEC.	PAGE
EXPENSES of Legislature	4	23	46
EXTRA SESSIONS of Legislature	5	9	60
EXISTENCE OF CORPORATIONS, extension of term of	12	7	140
FEES OR PERQUISITES can not be received by judicial officers except court commissioners	6	15	76
FINES, excessive, prohibited	1	6	20
FISCAL YEAR, when commences	20	5	173
FISH AND GAME DISTRICTS	4	25½	52
FISH, right to, upon public lands and where fish have been planted by state	1	25	27
FLAG, to be carried by all military organizations	8	2	82
FOREIGN CORPORATIONS, can not transact business under more favorable condition than state	12	15	143
FOREIGNERS. See *Aliens.*			
FORFEITURE OF FRANCHISE OR CHARTER, not to be remitted by legislature	12	7	140
FREEDOM OF ASSEMBLING	1	10	21
FREEDOM OF RELIGION	1	4	19
FREEDOM OF SPEECH, libel suits	1	9	21
FRANCHISE, transfer of by corporation, does not release liabilities	12	10	142
FRANCHISES OR CHARTERS, not to be extended nor forfeiture remitted by legislature	12	7	140
FREEHOLDERS' CHARTERS, powers conferred on municipal corporations by	11	8½	113
FREE TEXTBOOKS	9	7	84
GAS AND WATER PIPES, use of streets for	11	19	137
GENERAL APPROPRIATION BILL, what to contain	4	29	53
GIFT OF PUBLIC CREDIT, prohibited	4	31	54
GOVERNMENT for and by the people	1	2	19
GOVERNOR, approval of bills by	4	16	41
election and term of	5	2	57
election of, how made known	5	4	57
executive power vested in	5	1	57
to see that laws are executed	5	7	58
may call extra session of legislature	5	9	58
may adjourn legislature	5	11	59
message of	5	10	58
officer of the state or United States not to act as	5	12	59
pardoning power vested in	7	1	81
qualifications of	5	3	57
succession to office, order of	5	16	60
to keep great seal	5	13	59
to be commander in chief of militia	5	5	58
to transact executive business	5	6	58
to fill vacancies	5	8	58
veto power	4	16	41
GRAND JURY	1	8	20
GREAT SEAL. See *Governor.*			

	ART.	SEC.	PAGE
HABEAS CORPUS	1	5	19
See *Invasion, Rebellion.*			
HARBOR FRONTAGE, ETC.	15	--	167
HIGHWAYS, establishing system of	4	36	56
HOMESTEAD EXEMPTION	17	1	169
HOURS OF LABOR ON PUBLIC WORKS	20	17	176
HUSBAND AND WIFE, separate property of	20	8	174
IMMIGRATION. See *Aliens.*			
IMMUNITIES:			
Special, prohibited	1	21	26
IMPEACHMENT, officers subject to	4	18	42
assembly has power of, tried by senate	4	17	42
IMPRISONMENT. See *Debt.*			
INALIENABLE RIGHTS	1	1	18
INCOME TAXES, who may be assessed and collected from	13	11	160
INDEBTEDNESS, STATE, liability exceeding $300,000 how created	16	1	168
INDICTMENTS, how prosecuted	1	8	20
INDUSTRIAL ACCIDENTS, employers' liability for	20	21	177
settlements by arbitration for	20	21	177
INFERIOR COURTS, jurisdiction of	6	13	76
legislature to provide	6	11	75
INFORMATION	1	8	20
INITIATIVE AND REFERENDUM, conflicting measures	4	1	33
failure to submit measure	4	1	34
filing petitions	4	1	31
initiative, first power reserved	4	1	31
legislative powers	4	1	32
no veto of	4	1	33
petition (initiative)	4	1	31
petition (referendum)	4	1	32
petitions may be presented in sections	4	1	34
powers reserved to counties and cities	4	1	36
referendum, second power reserved	4	1	32
section of constitution self-executing	4	1	36
supplemental petitions	4	1	35
INSTALLMENT PAYMENTS OF TAXES, legislature may provide for	13	7	157
INVASION, justifies suspension of habeas corpus	1	5	19
JOURNALS of legislature	4	10	39
JUDGES, not to practice law	6	22	80
absence from state	6	9	74
assignment from other county	6	8	73
compensation of	6	17	77
fees not to be received by	6	15	76
decision to be rendered within ninety days	6	24	80
ineligible to other office	6	18	78
not to charge facts	6	19	78
must be attorney	6	23	80
qualification of	6	23	80
removal, by concurrent resolution	6	10	74

	ART.	SEC.	PAGE
JUDGES OF SUPERIOR COURT	6	8	73
legislature may change number of	6	9	74
pro tempore judges	6	8	73
JUDGMENT, setting aside of	6	4½	69
JUDICIAL DEPARTMENT	6	--	62
JUDICIAL OFFICERS, removal of	6	21	79
leave of absence can not be granted	6	9	74
removal of	6	10	74
JUDICIAL POWER, how vested	6	1	62
JUDICIAL SYSTEM, laws relating to	22	11	182
JURIES, compensation	11	5	91
JURORS, number of	1	7	20
JURY TRIAL	1	7	20
how waived	1	7	20
JURY, charge to	6	19	78
JURISDICTION OF INFERIOR COURTS	6	13	76
JUSTICES AND JUDGES, not eligible to other than judicial offices, when	6	18	78
JUSTICES OF SUPREME COURT, election of	6	3	64
JUSTICES OF THE PEACE, number and powers	6	11	75
LAND AND HOMESTEAD EXEMPTION	22	--	158
LAND HOLDINGS, LARGE, discouraged	17	2	169
LANDS OF STATE, granted to actual settlers	17	3	169
grants limited to 320 acres	17	3	169
LAWS, how passed	4	15	40
LAWS IN FORCE, on adoption of constitution, 1879, remain so until altered; exceptions	22	1	178
LAWS, to have uniform operation	1	11	22
LEAVE OF ABSENCE, can not be granted judicial officers	6	9	74
LELAND STANFORD JUNIOR UNIVERSITY	9	10	87
LEGISLATIVE DEPARTMENT, legislative power	4	1	31
LEGISLATURE, adjournment of, provisions and restrictions	4	14	40
	5	11	59
compensation of members of	4	23	46
duty to enforce article	12	24	152
duty to enforce article	13	13	161
each house judge of qualification of members	4	7	39
each house may expel its members	4	9	39
elections by, manner of voting	4	28	53
expulsion of members of	4	9	39
extra session called by governor	5	9	58
journals of, how kept	4	10	39
laws, how passed	4	15	40
limitation of expense, for officers and attaches	4	23	46
limitation of expense, for officers and attaches	4	23*a*	47
meetings of, to be open	4	13	40
members of, not eligible to certain offices	4	19	43
members of, privileged from arrest, when	4	11	39
not to impose taxes on cities and counties and other municipalities	11	12	130
number of members of senate and assembly	4	5	38
officers of each house, how chosen	4	7	39

LEGISLATURE—Continued.	ART.	SEC.	PAGE
quorum, what constitutes	4	8	39
rules of proceedings, determined by	4	9	39
sessions of, biennial, when shall commence; recess	4	2	36
state indebtedness to be confirmed by electors	16	1	168
vacancies, how filled	4	12	40
LIEUTENANT GOVERNOR, may become governor, when	5	16	60
qualifications and duties	5	15	59
LIABILITY of stockholders and directors of corporations	12	3	139
LIABILITY OF CORPORATIONS not released by transfer of franchise	12	10	142
LIBEL SUITS	1	9	21
LICENTIOUSNESS, not excused by religious belief	1	4	19
LOBBYING a felony	4	35	56
LOCAL LAWS	11	11	130
LOCAL LAWS prohibited	4	25	48
LOTTERIES prohibited	4	26	52
MARRIAGE CONTRACTS	20	7	173
MECHANIC'S LIEN, property subject to, enforcement of	20	15	175
MEETINGS of legislature to be open	4	13	40
MERCHANDISE, inspection of	11	14	132
MESSAGE. See *Governor*.			
MILITARY, subordinate to civil power	1	12	22
MILITARY DUTY, electors not obliged to perform, exception	2	3	30
MILITIA	8	--	81
organization of	8	1	81
MINIMUM WAGE for women and minors	20	17½	177
MISCELLANEOUS SUBJECTS	20	--	172
MONEYS, PUBLIC, may be deposited in banks; requirements as to security	11	16½	132
of counties and cities, etc., to be immediately deposited with treasurer	11	16	132
making profit out of, prohibited	11	17	133
MONGOLIAN, not to be employed by any corporation	19	2	171
MORTGAGES, exempted from taxation	13	1	153
MUNICIPAL CORPORATIONS, freeholders' charters; powers conferred by	11	8½	118
debt not to exceed income without special election	11	18	133
not to be created by special laws, etc.	11	6	93
police regulations	11	11	130
MUNICIPAL POWER, not to be delegated by the legislature to corporations or individuals, etc.	11	13	131
MUNICIPAL OR POLITICAL CORPORATIONS, private property not to be sold for debts of	11	15	132

	ART.	SEC.	PAGE
NAVIGABLE WATERS, access to, attainable for public use	15	2	167
right of state to all frontages on	15	1	167
NEW COUNTIES, formation of	11	3	90
NEW TRIAL, when and how granted	6	4½	69
OATH OF OFFICE, form of	20	3	173
OBLIGATIONS AND ACTIONS, existing, unaffected by adoption of Constitution of 1879	22	2	179
OBLIGATION OF CONTRACTS, no bill shall be passed impairing	1	16	24
OFFENSE, second prosecution forbidden	1	13	22
OFFENSES prosecuted by information	1	8	20
OFFICE, embezzlers not eligible to	4	21	43
members of legislature shall not be appointed to, when	4	19	43
misconduct in	20	11	174
term of, not to be increased, when	11	9	129
United States officials not eligible to state office	4	20	43
OFFICER OR AGENT, limit on interest of, in furnishing supplies to corporations, etc.	12	18	144
OFFICERS, EXECUTIVE, compensation of	5	19	61
extra compensation to, prohibited	4	32	55
subject to impeachment	4	18	42
of counties and townships, compensation of	11	5	91
OFFICERS OF LEGISLATURE, how chosen	4	7	39
limitation of expenses for	4	23	46
eligible to office under state government	4	20	43
OFFICERS OR COMMISSIONERS, election or appointment of	20	4	173
vacancies, filled by governor	5	8	58
OPINIONS OF SUPREME COURT, publication of	6	16	77
PANAMA-PACIFIC INTERNATIONAL EXPOSITION, aid of	11	8a	116
	4	22	43
	11	18	134
PARDONING POWER vested in governor	7	1	81
PASSES, public officers not to receive	12	19	144
PEOPLE, rights reserved to	1	2	19
PERPETUITIES, not allowed except for eleemosynary purposes	20	9	174
PERSONAL PROPERTY, amount of exemption from taxation	13	10½	160
PETITION, right to	1	10	21
POLL TAX, not to be levied	13	12	160
POWER, distribution of; three departments of government	3	1	30
PREAMBLE			18
PRIMARY ELECTIONS, power of legislature	2	2½	29
PRISON DIRECTORS, appointment and term of office	10	1	88
compensation of	10	4	89
powers and duties of	10	2	89
shall appoint prison officers; appointment or removal of	10	3	89

	ART.	SEC.	PAGE
PRISON DIRECTORS, WARDENS AND OFFICERS, regulation of powers of; duties of	10	5	89
PRIVATE INSTITUTIONS, not to receive state aid	4	22	43
PRIVATE PROPERTY, not to be sold for corporate debt of political or municipal corporation	11	15	132
PRIVATE PROPERTY, rights of compensation when taken for public use, etc.	1	14	23
Taking of for railroad, for logging or lumbering purposes deemed a taking for public use	1	14	23
PRIVILEGES, special, forbidden	1	21	26
PRIVILEGE of members of legislature	4	11	39
PROCESS, style of, "The People of the State of California"	6	20	79
PROPERTY, CORPORATE, subject to exercise of right of eminent domain	12	8	141
PROPERTY QUALIFICATIONS, forbidden	1	24	26
PUBLIC CREDIT, to persons or corporations prohibited	4	31	54
PUBLIC FUNDS, not to be used for private profit	11	17	133
PUBLIC OFFICIALS, compensation of, not to be increased, when	11	9	129
recall of	23	--	183
PUBLIC SCHOOL SYSTEM, taxation for support of	9	6	83
PUBLIC UTILITIES, municipalities may establish public works for light, water, telephone or other service	11	19	137
municipalities may elect to transfer certain powers to railroad commission	12	23	150
municipal corporations may regulate	11	19	137
regulation of charges of	4	33	55
subject to control of railroad commission	12	23	149
supervision and regulation of	12	23	149
PUBLIC WORKS, Chinese not to be employed on	19	3	171
PUNISHMENT, cruel, prohibited	1	6	20
PURITY, in office holding and elections	20	11	174
QUALIFICATION OF MEMBERS, each house judge of	4	7	39
QUORUM, in each house, what constitutes	4	8	39
RAILROAD AND OTHER TRANSPORTATION COMPANIES, discrimination forbidden	12	21	145
RAILROADS OR OTHER COMMON CARRIERS. Increase of rates by; must have consent of railroad commissioners	12	20	144
RAILROAD COMMISSION, powers, duties, term of, appointment of members of	12	22	146
consent of, must be obtained by railroads or other common carriers to increase of rates	12	20	144
power to fix compensation for property taken	12	23(a)	152
RAILROADS, right to intersect other railroads	12	17	144
REBELLION, justifies suspension of habeas corpus	1	5	19

	ART.	SEC.	PAGE
RECALL OF PUBLIC OFFICIALS	23	--	183
RECALL, ballot	23	1	184
notice of election	23	1	184
officer must be in office at least six months	23	1	187
officer not recalled to be repaid for expenses	23	1	187
petition may be in sections	23	1	185
procedure	23	1	183
to be exercised by counties and cities	23	1	187
article self-executing	23	1	187
REFERENDUM. See *Initiative.*			
RELIGION, freedom of	1	4	19
REPORTERS, COURT, how appointed	6	21	79
RESIDENCE, when absence does not affect	20	12	174
RESIDENCE OF VOTERS, how gained or lost	2	4	30
REVENUE AND TAXATION	13	--	153
"banks" defined and property of assessable, manner of assessment	13	14(*c*)	163
banks—capital, reserve, etc., assessed	13	14(*c*)	163
computation of taxes of public utilities	13	14(*a*)	161
counties reimbursed	13	14(*f*)	165
deficiency in revenue for schools	13	14(*e*)	164
franchises, other than those specified, how assessed	13	14(*d*)	164
injunction to prevent collection not to be issued	13	14(*g*)	165
as to insurance companies	13	14(*b*)	162
legislature to pass necessary laws	13	14(*f*)	164
as to railroads	13	14(*a*)	161
state purposes ("Constitutional Amendment No. 1")	13	14	161
support of schools	13	14(*e*)	164
taxes on railroads, express companies, for exclusive use of state	13	14	161
where property shall be assessed	13	10	159
RIGHT OF WAY, obtaining	1	14	23
RIGHTS, DECLARATION OF, except for capital offenses, all persons bailable; excessive bail forbidden	1	6	20
bills of attainder, *ex post facto* laws, obligation of contracts	1	16	24
freedom of assembling and petitioning	1	10	21
freedom of religion guaranteed	1	4	19
freedom of speech guaranteed, libels	1	9	21
general warrants; unreasonable seizures and searches	1	19	25
indictments, information, grand jury	1	8	20
jury trial shall be secured to all	1	7	20
people have right to alter or reform government	1	2	19
property qualification forbidden	1	24	26
rights of accused; criminal trials	1	13	22
imprisonment for debt forbidden	1	15	24

	ART.	SEC.	PAGE
DECLARATION OF RIGHTS—Continued.			
of foreigners	1	17	25
private property shall not be taken for public use without just compensation	1	14	23
special privileges, limitation on	1	21	26
slavery prohibited	1	18	25
to fish	1	25	27
treason	1	20	25
witnesses shall not be unreasonably detained nor confined	1	6	20
writ of habeas corpus shall not be suspended, exceptions	1	5	19
RIGHTS OF MEN	1	1	18
RIGHTS reserved by people	1	23	26
RULES OF PROCEEDING and expulsion of members	4	9	39
SACRAMENTO, seat of government	20	1	172
SALARIES, justices of supreme court and district courts of appeal, when paid; subject to rendition of decision	6	24	80
SALARIES OF EXECUTIVE OFFICERS, governor, lieutenant governor, secretary of state, controller, treasurer, attorney general, and surveyor general	5	19	61
SALARIES OF APPELLATE COURT, how paid	6	17	77
SALARIES OF JUDGES OF SUPERIOR COURT, how paid	6	17	77
SALARIES OF JUSTICES OF SUPREME COURT, how paid	6	17	77
SAN FRANCISCO, CITY AND COUNTY, charter of; amendments permitted in aid of exposition	11	8a	116
expenses may exceed income in 41st to 50th fiscal years	11	18	134
SCHEDULE	22	--	178
SCHOOL, STATE FUND	9	4	82
SCHOOLS, sectarian	9	8	86
common	9	5	83
support of system	9	6	83
SEAL, GREAT. See *Governor*.			
SEARCH WARRANTS, how issued	1	19	25
SECRETARY OF STATE, duties of	5	18	61
SECTARIAN SCHOOLS, appropriation for, prohibited	9	8	86
support of, prohibited	4	30	53
SEIZURES AND SEARCHES	1	19	25
SENATE, election of senators; terms	4	4	38
SENATORS, number of	4	5	38
of United States, how elected	5	20	62
SENATORIAL AND ASSEMBLY DISTRICTS	4	6	38
SEPARATE PROPERTY, of husband and wife	20	8	174
SESSIONS OF THE LEGISLATURE, biennial recess, procedure	4	2	36
SESSIONS OF COURTS	6	8	73

	ART.	SEC.	PAGE
SEX, does not disqualify for business pursuits	20	18	177
SLAVERY, prohibited	1	18	25
SOLDIERS, billeting forbidden	1	12	22
SPECIAL LAWS, prohibited	4	25	48
SPECIAL PRIVILEGES. See *Privileges.*			
STATE INDEBTEDNESS	16	1	168
liability exceeding $300,000, how created	16	1	168
STATE, COUNTY, OR MUNICIPALITIES, deposit of moneys belonging to	11	16½	132
STATE AND LOCAL TAXATION, of public service and other corporations; separation of	13	14	161
STATE OFFICERS	5	17	60
STATE INSTITUTIONS AND BUILDINGS	10	--	88
STATE LANDS, granted to actual settlers	17	3	169
STATE SCHOOL FUND	9	4	82
STATEMENT TO COUNTY ASSESSOR, taxpayer to make	13	8	158
STOCKHOLDERS AND DIRECTORS, of corporations; liability of	12	3	139
SUBMISSION OF AMENDMENTS to constitution	18	1	170
SUCCESSION, order of. See *Governor.*			
SUFFRAGE, right of, who may vote	2	1	27
SUITS against corporations, where may be brought	12	16	143
against state	20	6	173
SUPERIOR COURTS, jurisdiction of	6	5	70
clerks and commissioners, appointment of	6	14	76
number, organization, term of office, vacancies	6	6	72
sessions	6	7	73
who may try causes	6	8	73
SUPREME COURT, election of justices of	6	3	64
clerk of, how appointed	6	21	79
how constituted	6	2	63
jurisdiction of	6	4	65
publication of opinions of	6	16	77
SUPREME COURT COMMISSION, abolished	6	25	81
SPECIAL AND LOCAL LEGISLATION, forbidden	4	25	48
SUPERINTENDENT OF PUBLIC INSTRUCTION, election, term, and salary	9	2	82
SUPERINTENDENT OF SCHOOLS, election of, in each county	9	3	82
TAXATION, churches exempt from	13	1½	155
equalization, state and county	13	9	159
exemptions, growing crops, libraries, school property, etc.	13	1	153
exemption of soldiers, sailors, etc., to amount of $1,000	13	1¼	155
exemption of Academy of Sciences	9	12	88
exemption of School of Mechanical Arts	9	11	88
exemption of Cogswell Polytechnic College	9	13	88
exemption of Leland Stanford Jr. University	9	10	87

TAXATION—Continued.	ART.	SEC.	PAGE
exemption of college property	13	1a	156
exemption of bonds, state and municipal	13	1¾	155
exemption of personal property	13	10½	160
exemption of vessels	13	4	156
legislature to pass laws to enforce	13	13	161
power of not to be impaired	13	6	157
property to be taxed according to value	13	1	153
separation of state and local taxation of public service or other corporations	13	14	161
statement of taxpayer	13	8	158
young trees and vines exempt from	13	12¾	160
TAXES, cities, counties and other municipalities; legislature not to impose upon	11	12	130
income may be assessed and collected	13	11	160
payment of by installments	13	7	157
TERMS OF OFFICE and election, when held	20	20	177
judges of superior court	6	6	72
not to be extended	11	9	129
when not fixed by constitution	20	16	175
TEXT-BOOKS, compensation and use of	9	7	84
to be used not less than four years	9	7	84
TIDE LANDS, used for purposes of navigation, withheld from sale	15	3	167
TREASON	1	20	25
UNITED STATES CONSTITUTION, supreme law	1	3	19
UNITED STATES SENATOR, election of	5	20	62
UNIVERSITY OF CALIFORNIA	9	9	86
URGENCY MEASURES	4	1	32
VACANCIES, legislature, how filled	4	12	40
judges of superior courts, appointed by governor	6	6	72
VOTERS, privileges of	2	2	28
residence of, how gained or lost	2	4	30
VOTING MACHINES, permitting use in elections	2	6	30
WARRANTS, general	1	19	25
WATER AND WATER RIGHTS	14	--	166
subject to control of state and of municipality	14	1	166
WATER, right to collect rates for is a franchise	14	2	167
WEIGHTS AND MEASURES, legislature may provide for inspection of	11	14	132
WITNESSES, confinement of, prohibited	1	6	20
not incompetent for religious belief	1	4	19
WORKMEN'S COMPENSATION	20	21	177

INDEX TO UNITED STATES CONSTITUTION.

	ART.	SEC.	PAGE
APPELLATE COURTS, jurisdiction of	3	2	324
APPOINTMENT OF OFFICERS, by President	2	2	40
APPORTIONMENT. See *Representatives.*			
ARMY, raised and supported by congress	1	8	312
ATTAINDER, bills of, not to be passed by congress, or by a state	1	9	313
BAILS, FINES AND PUNISHMENTS---Amdt. VIII	--	1	323
BANKRUPTCY, uniform law by congress	1	8	311
CAPITATION TAX, not to be levied by congress, unless in proportion to census	1	9	313
CITIZENS, granted equal protection of the laws in all the states---Amdt. XIV	--	1	325
interstate privileges of	4	2	328
right to vote---Amdt. XV	--	1	326
CITIZENSHIP, privileges not to be abridged by state laws---Amdt. XIV	--	1	325
COINS, domestic and foreign, value to be fixed by congress	1	8	311
COMMERCE, regulation of, by congress	1	8	311
regulation of, preference not to be given to any state	1	9	313
CONSTITUTION, ratification of	7	1	320
supreme law of the land	6	2	320
CONSTITUTIONAL AMENDMENTS, how submitted	5	1	319
adopted, 1789-1913	--	--	322 to 327
CONGRESS, annual meeting of	1	4	309
consists of two houses	1	1	306
election of members of	1	4	310
laws, how enacted	1	7	310
legislative powers vested in	1	1	306
limitation of powers granted to: -------	1	9	312
limitation of powers granted to: Amdt. I	--	--	322
powers granted to	1	8	311 and 312
power of, relating to, Amdt. XIV	--	5	326
power of, relating to, Amdt. XV	--	2	327
power to designate place of trial, when	3	2	318
resolutions, how passed	1	7	310
restriction on powers of: -------	1	9	312
restriction on powers of: Amdt. I	--	1	322
revenue laws, to originate in house	1	7	310
special sessions, how called	2	3	316
to legislate for federal district	1	8	312
when adjourned by President	2	3	317

	ART.	SEC.	PAGE
COPYRIGHTS, securing of	1	8	311
COURTS, inferior, established by congress	1	8	311
supreme	3	1	317
jurisdiction of	3	2	317
jurisdiction of, not in certain cases	Amdt. XI	--	1	324
CRIMES, trial of	3	2	318
	Amdts, V, VI	--	--	322 323
CRIMINAL PROCEEDINGS	Amdts. V, VI	--	--	322 323
DEBT, public, guarantee of	Amdt. XIV	--	4	326
DEBTS, public, contracted for prior to adoption of Constitution, valid	6	1	320
direct tax only in proportion to census	1	9	313
DUTIES, power of congress to lay and collect	1	8	311
ELECTION. See *Congress; President; Senators.*			
FRANCHISE, not to be denied for previous slavery	Amdt. XV	--	--	326
ELECTORAL VOTE, time for casting	2	1	314
EXECUTIVE DEPARTMENT	2	--	314
EXPORTS, duties on state, not to be levied by congress	1	9	313
EX POST FACTO LAW, not to be passed by congress	1	9	313
FEDERAL DISTRICT, governed by congress	1	8	312
FUGITIVES from justice	4	2	318
FUGITIVES from service	4	2	319
GOVERNMENT, state, form of	4	4	319
HABEAS CORPUS, writ of, not to be suspended by congress	1	9	313
HOUSE OF REPRESENTATIVES, how composed	1	2	306
adjournment of	1	5	309
apportionment of members	1	2	306
	Amdt. XIV	--	2	325
journals of	1	5	309
impeachment, sole power of	1	2	307
members, sole judge of qualifications of	1	5	309
members, punishment of	1	5	309
officers of	1	2	307
qualification of members	1	2	306
quorum of	1	5	309
revenue laws, originate in	1	7	310
rules of	1	5	309
vacancies, how filled	1	2	307
IMMIGRATION, power of congress in relation to	1	9	312
IMPEACHMENT, all civil officers liable to removal from office by	2	4	317
house of representatives has sole power of	1	2	307
trial by senate	1	3	308
judgment in	1	3	308
INCOME TAX, congress may levy	Amdt. XVI	--	--	327

	ART.	SEC.	PAGE
JUDICIAL PROCEEDINGS, etc., of each state, entitled to full faith and credit in every other state	4	1	318
JUDICIAL DEPARTMENT	3	--	317 to 318
JUDICIAL POWER of the United States, does not extend to what—Amdt. XI	--	1	324
of courts in general	3	2	317
JURY TRIAL, right of	3	2	317
	Amdts. V, VI, VII	--	--	323
in civil cases—Amdt. VII	--	1	323
in criminal cases—Amdt. VI	--	1	323
LAW—Constitution, the laws and treaties declared supreme law of the land	6	1	320
LAWS—how enacted	1	7	310
LAWS, congress directed to enact	1	8	312
LEGISLATIVE DEPARTMENT	1	--	306
LIMITATIONS on power of congress	1	9	312
LOANS, on credit of United States	1	8	311
MILITIA, calling forth of	1	8	312
provisions for	1	8	312
state, right to bear arms—Amdt. II	--	1	322
rights reserved, to states	1	8	312
MILITARY AND NAVY, rules for government made by congress	1	8	312
MONEY, coined by congress	1	8	311
punishment for counterfeiting, congress to provide	1	8	311
to be drawn from treasury only by regular appropriation	1	9	313
value of, to be fixed by congress	1	8	311
NATURALIZATION, uniform rules by congress	1	8	311
NAVY, provided and maintained by congress	1	8	312
NOBILITY, TITLES OF, not to be granted by the United States	1	9	313
OATH OF OFFICE	6	1	320
OFFICERS. See *House of Representatives; Senate.*			
PATENTS, securing of	1	8	311
PEOPLE, rights retained by—Amdt. IX	--	1	323
PIRACIES, defined and punished by congress	1	8	311
POST OFFICES, established by congress	1	8	311
POWERS granted to congress	1	8	311
withheld from congress	1	9	312
taken from states	1	10	313
PRESIDENTIAL ELECTORS, appointment and number of	2	1	314
time of choosing	2	1	315
PRESIDENT OF UNITED STATES, appointments by commander-in-chief	2	2	316
election of	2	1	314
	Amdt. XII	--	1	324
extra session of congress called by	2	3	316

UNIVERSITY OF MICHIGAN
3 9015 02269 4353

JK
8725
.1849
A62

California. Constitu
tion.

Constitution of the
state of Californi

290532